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IMPRIMATUR

Liber cui Titulus, *Christian Loyalty*, &c.

Ex Æd. *Lamb.* *Julii* 10. 1678.

Geo. Thorp, Rev. in Christo Patri & Dom. Domino *Guliel.* Archiep. *Cant.* à Sacris Domesticis.

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XUM

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XUM

Christian Loyalty:

OR, A

DISCOURSE,

Wherein is Asserted that just Royal Authority and Eminency, which in this *Church* and Realm of *England*, is yielded to the KING.

Especially concerning *Supremacy* in CAUSES ECCLESIASTICAL.

Together with

The disclaiming all *Foreign Jurisdiction*; And the unlawfulness of Subjects

TAKING ARMS

Against the

KING.

By *WILLIAM FALKNER*, Preacher at S. *Nicholas*, in *Lyn Regis*.

LONDON,
Printed by *J. M.* for *Walter Kettilby*, at the *Bishops-Head* in St *Paul's Church-Yard*,
MDCLXXIX.

To the

MOST REVEREND

FATHER in GOD,

WILLIAM

By DIVINE PROVIDENCE

LORD ARCHBISHOP

OF

CANTERBURY,

Primate of all *ENGLAND* and Metropolitan;

And one of His Majesties most Honourable Privy Council, *&c.*

May it please your Grace,

I *Have in the following Discourse, undertaken a Vindication of those publick* Loyal

 Decla-

Declarations *of this Church and Kingdom, which are of great concernment, not only in the Civil Government, but also in the* Christian Religion: *and I hope your Grace will therefore not account it improper that this should be presented unto your self. For the chief things I have taken upon me to defend, are such special Branches of the* Doctrine of our Church, *that in this part and Age of the World, they are in a manner peculiar to it, and to them who with it have herein imbraced the true Reformed profession. But both the* Roman Church, *and divers other different* Sects

and

and parties, among their other Errours and Hereſies, entertain ſuch diſloyal Poſitions as are of dangerous importance unto Government, wherein (beſides ſome other things) there is too near a Conjunction between them.

And theſe things are of ſo great conſequence in Chriſtianity, *that the main Foundations of Righteouſneſs, Peace, and Obedience are thereby eſtabliſhed, all which neceſſary duties are much inſiſted on by our Saviours Doctrine. And therein the regular and orderly behaviour of inferiour Relations, is particularly enjoined, for the*

gaining reputation to our Religion; because a temper fitted for Christian subjection, supposeth Pride, Passion, and Perverseness to be subdued; and that in the fear of God, an Humble, Meek, and peaceable Spirit is introduced, which are things wherein our Saviour hath given us his Example.

And the principal matter of this Discourse concerning the Kings Supremacy in all Causes, *and the* unlawfulness of Subjects taking Armes, *is of the greater concernment, because the contrary ill Principles which many have imbibed, have been very pernicious to*

several

ſeveral parts of the World, for many hundred years paſt. Which hurtful Poſitions have prevailed the more among men, by their being covered over with plauſible pretences: as if thoſe of the former ſort were needful, to aſſert the juſt intereſt and honour of the Chriſtian Church; *and thoſe of the latter ſort, to provide for the ſafety of the* Common-wealth, *and of every Mans own propriety. All which would repreſent the* ſecular Authority, *which was ordained by divine wiſdom for the good of Mankind, to be a thing exceeding hurtful and miſchievous to the World.*

Where-

Wherefore ſince men are much led by the conſideration of their intereſts, *that what I propoſe may be the more ſucceſsful and effectual; I have ſhewed that Obedience, and peaceable ſubjection to Governours without reſiſtance, is not only a* duty, *which is enough to perſwade all good men to practiſe it, but that it is the common* advantage *of the World, as the whole duty of Man is, both to Rulers and to Subjects. And that Royal* Supremacy *in Cauſes Eccleſiaſtical, is not prejudicial to the* Chriſtian Church, *I have only expreſſed more covertly and ſuccinctly; becauſe though this*

this may be considered by some men, there is another interest, to wit, that of the boundless ambition and avarice of the Romish Court and Church, which chiefly instigates their opposition hereunto: and I must confess that the truth I defend, doth not gratify this interest. But that tendeth best to promote the advantages of the Church in the World, when the goodness of our Religion, and its preserving all just rights of Superiours as well as others, doth so recommend it to the World, as may gain to it the good opinion of all men, the favour of Princes, and the blessing of God. And

And though I am conſcious to my ſelf, that by reaſon of the greatneſs and copiouſneſs of the ſubject I have taken in hand, there may be ſeveral defects in my performances, notwithſtanding my diligent endeavours; yet I preſume humbly to tender them to your Grace, *in confidence that your Candor, and readineſs to give a favourable acceptance to well deſigned, and not unuſeful undertakings, and to make charitable allowances for their imperfections, doth bear an equal proportion with other parts of your great worth, by reaſon of which you poſſeſs your great dignity with a gene-*

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ral ſatisfaction to good men, and the Friends of Truth and Peace. And that you may long and happily continue here to the benefit of the Church, and may ſee the Church it ſelf in Proſperity, and true Piety flouriſhing, all the dayes of your Life, is the deſire and Prayer of him,

Who Honoureth your Grace
With humble and dutiful
Reverence,

William Falkner.

TO

TO THE READER.

THE Government and Conſtitution of this Realm requiring a ſolemn acknowledgment to be made, by all who bear any office therein, concerning the *Regal Power* and Dignity; and the different parties uſing their ſeveral methods and pretences, to oppoſe the matters of theſe publick Declarations; I have endeavoured in the following Diſcourſe, to give a true and clear account of theſe things, in order to the removing thoſe miſtakes or doubts, which may either perplex any perſons, or tempt them to neglect their duty. And I have oft thought, that thoſe things which are *publickly profeſſed* in this Church and Realm, by theſe particular acacknow-

knowledgments, which are made by ſo many perſons, are very uſeful to be diſcourſed of; both becauſe theſe things themſelves were ſelected as being of great concernment, by the grave and prudent conſideration of publick Authority, and the due complyance with them includeth the practiſing Obedience, and *following the things which make for Peace*; and alſo becauſe the unjuſt oppoſitions made againſt theſe things, are either managed by ill deſigns, or at leaſt have a tendency to promote ill effects in Church and State. And the truth which in this Diſcourſe I undertake to maintain, doth alſo ſpeak much the Integrity and Simplicity of the *Chriſtian Religion*; that it is not a Worldly contrivance, or a way laid to intitle any Profeſſors thereof to claim, or to enable them to uſurp upon, or oppoſe the temporal Power and Authority;

thority; as hath been ſhamefully done in the Church of *Rome*, and not a little by other ſorts of men: a conſiderable part of the Popiſh Uſurpations being founded, in their unjuſt *encroaching* upon the Rights of Soveraignty.

And they who have obſerved the State of the World, cannot be unſenſible, what Horrid and Miſchievous Conſpiracies, have been frequently contrived, againſt the Safety and Welfare of Princes, and their Kingdoms; as the conſequent of the wicked Poſitions which I have undertaken to refute. But all theſe attempts, which are Pernicious and Deſtructive to Humane Society, will, I hope, ſufficiently appear by the following Diſcourſe, to be perfectly oppoſite to the Chriſtian Doctrine alſo, and ſeverely condemned by it. Wherefore the things treated of in this Book, are of ſuch a nature, that

they are of great concernment, for the good Order, Peace and Settlement of the World; the ſecurity of Kings and Kingdoms; and the vindicating the Innocency of the Chriſtian Religion.

Upon this Account, I could wiſh my ſelf to be more able to diſcourſe of ſuch a ſubject as this, every way ſuitably to, and worthy of it ſelf. But as I have herein uſed diligent care and conſideration; ſo I can freely ſay, I have every where endeavoured impartially to diſcover, and faithfully to expreſs the *truth*; and have never uſed any unworthy Artifices, to evade or *obſcure* it. And therefore, if the ſober and judicious Reader ſhall in any thing of leſs moment (as I hope he will not in matters of great moment) diſcern any miſtake, I ſhall preſume upon his Candor and Charity. In the manner of handling things, I have avoid-

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ed nothing which I apprehended to be a difficulty or conſiderable matter of objection: but in the return of Anſwers, and the uſe of Arguments to confirm what I aſſert, I have oft purpoſely omitted many things, in themſelves not inconſiderable, for the ſhunning needleſs prolixity; and have waved ſeveral things taken notice of by others, for this cauſe ſometimes, becauſe I was not willing to lay any ſtreſs upon ſuch things, as ſeemed to me not to be of ſufficient ſtrength. On this account, for inſtance, in diſcourſing of the Supremacy of Princes over Eccleſiaſtical Officers, I did not inſiſt on our *Saviour* and S. *Peter* paying Tribute, *Mat.* 17. 24,---27. For though many ancient Writers ſpeak of this as paid to *Cæſar*, and ſome expreſſions in the Evangeliſt ſeem to favour this ſenſe; yet I ſuppoſe there is rather greater likely-

hood, that this had reſpect to the annual oblation unto *God* himſelf, which the Jews paid for the ſervice of the Temple, to which St *Hilary* and ſome other Ancients refer it.

Yet in *rendring unto* Cæſar, *the things that are* Cæſars, I ſtill reſerve unto *God*, *the things that are Gods*; acknowledging the primary neceſſity of embracing the true Worſhip of God, and the Doctrine and practice of Chriſtianity, and that all Chriſtians ought to bear an high reverence to the eſtabliſhment of the Kingdom of Chriſt under the Goſpel, and to that Authority, and thoſe Officers, which he hath peculiarly eſtabliſhed therein. But there is a very great miſcarriage among men, that there are thoſe who look upon many weighty things in Chriſtianity, as if they were merely ſecular Conſtitutions, and were no further neceſſary to be obſerved, than for the ſecuring men

men from outward penalties. Theſe men do not obſerve and conſider, that there lyeth a far greater neceſſity, of keeping and valuing the *Communion* of the Church, of devoutly attending *Gods publick worſhip*, and orderly performing its Offices, with other things of like nature, from the Precepts and Inſtitutions of Chriſt, and from the Divine Sanctions, than from the countenance or eſtabliſhment of any civil Law, or ſecular Authority whatſoever. The lively ſenſe and conſideration of this, was that which ſo wonderfully promoted and preſerved both Piety and Unity in the Primitive Church, when it had no encouragement from the Temporal Power. But there muſt be no oppoſition made between *Fearing God, and Honouring the King*, but a careful diſcharge of both; and theſe Precepts which God hath joined together, let no man ſeparate.

And now I ſhall only entreat that Reader, who is inclined to have different apprehenſions, from the main things I aſſert, to be ſo juſt to his own reaſon and Conſcience, as impartially to conſider and embrace the evidence of Truth: which is the more neceſſary, becauſe truths of this nature are no mere matters of ſpeculation, but are ſuch Rules to direct our practice, which they who are unwilling to entertain, act neither charitably to themſelves, nor accountably to God. And he who is the Father of Spirits direct the hearts of all men into the wayes of Goodneſs, Uprightneſs, Truth and Peace.

Lyn Regis
June 21.
1678.

THE

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Chriſtian

Christian Loyalty.

The First Book:

Of Regal Supremacy, especially in matters Ecclesiastical; and the renouncing all Foreign Jurisdiction.

CHAP. I.

The Kings Supremacy *in Causes Ecclesiastical declared.*

SECT. I.

The Royal Supremacy *acknowledged and asserted, in the Church and Realm of* England.

1. THE things established in the *Church of England*, which all Ecclesiastical persons are required to declare their

B.1.C.1. consent unto, do concern matters of so high importance; that both the being, and the purity and perfection of a Church, doth very much depend upon the consideration thereof; to wit, the order and way of its 1. *worship*, the due honour it gives to the 2 *King* and Secular Authority, the truth of 3 its *doctrine*, and the right and regular or- 4 dination of its *Ministry*. That the *publick worship* of God in our Church is free from all just exception, and agreeable to the rules of Christianity, and the best and primitive patterns, I have given some account in a former Treatise: And in this discourse, I shall treat of that Authority and Dignity, which is justly yielded and ascribed to the *Supreme civil power*.

Loyal Principles useful to the world.

2. And if a general right understanding of this matter could every where be obtained, together with a practice suitable thereunto, it would greatly contribute to the advancement and honour of *Christianity*, and the peace of the *world*. The great miscarriages and irregular practices, by *not yielding to Soveraign Princes their due Authority*, hath strangely appeared in the enormous Usurpations of the *Romish Church*, and the frequent distractions of the *Empire* and other Kingdoms, which have been thence derived. For the Roman Bishop, who still *claimeth* even where he possesseth

poſſeſſeth not, by his exorbitant encroach- Sect. 1.
ment upon the Royalty of Kings, eſpecially in *matters Eccleſiaſtical*, and thereupon in Civil alſo; did advance himſelf unto the higheſt ſtep of his undue *Papal exaltation*. And he thereby alſo more firmly fixed, and rivetted his *uſurpation* over other Chriſtian Biſhops, and put himſelf into a capacity of propagating his *corrupt doctrines*, without probable appearance of any conſiderable check or controul, and with the leſs likelyhood of redreſs and reformation. And from the like cauſe have proceeded divers *exorbitancies in opinion and practice*, concerning the Church and its Government, in another ſort of men. And the want of Conſcientious obſervance of the duties of *ſubjection*, hath too often manifeſted it ſelf in the world, by the ſad effects of open *tumult and rebellion*, all which hath highly tended to the *ſcandal* of *Religion*.

3. It ſeemeth alſo conſiderable, that almoſt all *Sects*, and erring *parties* about matters of Religion, (and many of them to very ill purpoſes) do nouriſh falſe conceptions and miſtaken opinions, concerning the *civil power*. They either beyond due bounds *exalt* it ſo high, as not to reſerve that reſpect which belongeth to *God*, and *Chriſtian inſtitutions*, which is done

B.1.C.1. by some few; or else *depress* it so low, as to devest it directly of its authority in *causes Ecclesiastical*, if not to erect and acknowledge some other power, *Papal* or *popular*, as rival, or paramount thereunto. And therefore it is a work worthy the care and industry, of one who loveth truth and goodness, to endeavour the healing such a Fountain of deadly evil, which hath diffused it self into so many several streams and Channels. And I heartily and *humbly beseech* the Almighty *God*, and Governour of all the Earth, that he will *guide* and *assist* my undertaking, and dispose the hearts of all men to a right understanding of truth, and a serious performance of their duty.

4. Now for the preservation of the *peace* and *Government* of Kingdoms, these two things are especially necessary. 1. That there be an *acknowledgment* of the Rulers *just authority* in his Dominions, against all false pretenders, and those who would undermine it, or incroach upon it. 2. That there be due care for maintaining that *fidelity* in the *subjects*, which is suitable hereunto. And both these things are so far provided for, in the Constitutions of our *Church* and *Kingdom*, that the Royal Authority is therein fully acknowledged and asserted; and all Ecclesiastical persons

And are asserted in this Realm.

perſons (and together with them civil and military Officers, beſides divers other ſubjects of this Realm) are required to yield to the *King* that *authority* and *duty*, which conſiſteth chiefly in theſe two things. 1. The aſſerting in the King the *Supremacy* of Government in *all cauſes*, againſt the claim of any *Foreign* pretenders, or any others, and their engaging to maintain all thoſe *Royalties*, which belong to the Crown. 2. That ſuch a faithful *Allegiance* be performed to him, as diſclaimeth all right and power, whether by pretended *Papal Excommunication* or otherwiſe, to ſet free any of his ſubjects, from their duty of *Loyalty* and obedience, and particularly declareth it unlawful, upon *any pretence whatſoever to take Arms againſt him*. And of the matter of our publick acknowledgments, which relate to theſe two heads, I ſhall diſcourſe concerning the former head in this Book, and the latter in the ſecond Book. Sect. 1.

5. The *Supremacy of Government* in the *King of England*, over this Realm, and all other his Dominions, which is his juſt and undoubted right, is plainly declared in our moſt ſolemn publick Conſtitutions, both *Civil* and *Eccleſiaſtical*. It was aſſerted in our Laws, in the time of King *Richard* the Second, that the *Crown* 16 Ric. 2. *In our Statute Laws.*

B.1.C.1. *of* England *hath been ſo free at all times, that it hath been in no earthly ſubjection, but immediately ſubject to God, in all things touching the Regalty of the ſame Crown, and to none other.* And in the
24 *Hen.* 8. 12. time of King *Henry* the Eighth, it was declared in Parliament, that *this Realm of* England *is an Empire, and ſo hath been accounted in the world, governed by one* ſupreme Head and King, *having the dignity and Royal Eſtate of the Imperial Crown of the ſame; unto whom a body politick* —— *of* ſpiritualty and temporalty, *be bounden and ought to bear next to God, a natural and humble obedience.* And it is uſual for the *Lords and Commons* jointly, even in the framing *Acts of Parliament*, to mention the *King* under the ſtile of *Our Soveraign Lord the King*, which is obvious in our Statutes. By our Laws alſo ſince the Reformation, the *uſurpations* which had incroached upon his Supremacy are *diſcarded*, the ancient
1 *Eliz.* 1. right of *Juriſdiction reſtored* to the Crown, and the *Oath of Supremacy* eſtabliſhed, wherein this Royal Authority is ſolemnly owned, acknowledged, and declared, and which is taken by all the *Clergy* of *England*, and many others.

The Oath of Supremacy. 6. The *Oath of Supremacy* containeth in it three things.

1. The

1. The asserting the Kings Highness to be the only *supreme Governour of this Realm*, and all other his Dominions and Countries, as well in all *Spiritual* or *Ecclesiastical things* or causes, as temporal. 2. A disowning and renouncing all *foreign Jurisdiction* and authority, within this Realm. 3. An engaging true *allegiance* to the King and his Successors, and a *defence* of the Jurisdictions and pre-eminencies of the *Crown*. The lawfulness, fitness, and reasonableness of which things, as they are expressed in that Oath, I am the more enclined carefully to consider, because a very learned man too readily and unadvisedly, expressed his *dissatisfaction*, concerning some clauses thereof. But as the two first things contained therein, will be the chief matter of my discourse; so under the first nothing else need be much enquired after, save the *supremacy* of the King in all *spiritual* or Ecclesiastical things or causes.

Sect. 1.

Weights and Measures, Ch. 20.

7. For, that the *Kings Majesty* is in general the *chief Governour* of this *Realm*, is as evident, as that this is the *Kingdom of* England; and it is as needless a thing to say any thing in proof thereof, as to go about to prove the Sun to be risen at Noon-day. For there is an actual, constant, visible *exercise* of this Government, in

B. 1. C. 1. such an ample manner, as to extend it self to all persons whomsoever in the Realm; and this authority is very plainly *acknowledged* and *confirmed*, throughout the whole body of our *English laws*, and the Constitution of the Kingdom. And the *Title* of our present Soveraign is manifestly undoubted, by clear *succession* and descent, not only from the Kings *since the Conquest*, but from those *before it*. For *Margaret* the Heiress of the *Saxon Kings*, was about the time of the Conquest, married to *Malcom* King of *Scotland*, from whence our Soveraign is descended: and thereby, as *M. Paris* expressed it, *Regum Angliæ nobilitas ad reges devolnta est Scotorum.*

M. Paris an. 1067.

And Ecclesiastical Constitutions.

8. This Royal Supremacy in causes *Ecclesiastical*, is frequently asserted in the *Constitutions of our Church.* It is owned and declared in the Book of *Articles.* And the *Canons* of our Church not only *acknowledge* this Supremacy, but also *enjoin* Ministers frequently to teach the same. And they moreover require *subscription* thereunto, according to the purport of the *Oath of Supremacy*, from all persons who come to be *ordained*, or to be *admitted* to any *living* or *employment* in the Church; and denounce *Excommunication ipso facto*, against all impugners thereof in causes Ecclesiastical.

Art. 37.

Can. 1.

Can. 36.

Can. 2.

SECT.

SECT. II.

The true meaning of Supremacy of Government *enquired into, with particular reſpect to cauſes Eccleſiaſtical.*

1. To prevent the inconveniency which ariſeth from miſunderſtanding, it is needful to conſider, what is meant by the phraſe of *ſupreme Governour*, which will eaſily be diſcerned, if we firſt conſider, what is underſtood by *Governing*. Now as *Governing* encludes a power of *ſuperiority* over the perſons governed, and an obligation upon them unto *obedience*; ſo the chief and ſpecial works of *ſecular Government* are frequently expreſſed in the Holy Scripture; by *judging*, and *doing judgment and juſtice*, 1 *Kin.* 10. 9. *Jer.* 22. 15. (hence the ancient rulers of *Iſrael*, were called their *Judges*) by being as a *Shepherd* unto the people, *Num.* 27. 17. and alſo by giving *praiſe to them that do well*, and *executing wrath on them who do evil*, *Rom.* 13. 3, 4. 1 *Pet.* 2. 14. And *Philo* accounteth the authority of Government, to be a power of *commanding* and *prohibiting*. δεῖ γὰρ τὴν βασιλέα προστάττειν καὶ ἀπαγορεύειν, which encludeth an authoritative power over the perſons of others, and being

Of Supreme Government.

Phil. de præm. & pœn. p. 918. & de Vit. Moſ. l. 2.

B.1.C.1. being the life of, and giving execution to the law. The ſenſe of which, and eſpecially of the Scripture expreſſions is, That the *Governing power* includeth an authority, to take care of the Community, and of what is juſt and right, and to *command* and *encourage* well-doing: and when occaſion requires, to *take an account* of the actions and cauſes of inferiours, *acquitting* or *puniſhing* them, according to their merit, and oppoſing all injurious and evil doers. And he who hath a right to do all this, towards all other perſons in his Dominions, without being governed by, ſubject to, or accountable before, any other ſuperiour authority upon earth, is a *Supreme Governour*.

2. But it is neither neceſſary, nor moſt ſuitable to ſupremacy of Government, that the rules by which the Governour proceedeth, ſhould be altogether at his own will and pleaſure. But it is ſufficient that theſe rules be ſuch, as he either judgeth to be good, and therefore chuſeth of himſelf; or elſe freely accepteth and conſenteth to them, if they be formed to his hands, or propoſed by others. For it is no abatement of the *high Soveraignty* of the Glorious *God* over the world, that all his government and executing judgment, is ordered according to the natural and eternal

eternal rules and meaſures of *goodneſs* and *juſtice*, and not by any ſuch arbitrary will, which excludeth all reſpect thereto. And *man* hath not a leſs but a greater government over himſelf, when he guideth himſelf by the rules of *reaſon*; nor is it therefore any diminution of the power of a *Governour*, when the exerciſe thereof is, and ought to be managed by rules of *common equity*. Yea, the Kings of *Judah* enjoyed a compleat Supremacy, though they were to govern according to the *law of Moſes*; and ſo much more may Chriſtian Kings do, while they maintain a Religious reſpect to the *poſitive laws* of *Chriſtianity*. And there are ſome Kingdoms, where without any diſparagement to the Supremacy of their Prince, they are governed by the fixed rules of the *civil law*; and others where other laws, eſtabliſhed by their *Predeceſſors*, are ſtanding rules. And if in the laſt place we conſider, that when great *Emperours* yielded to their conquered and tributary Principalities, at their Petition and deſire, the priviledge of being governed by their *own former laws* (as was done to *Judæa*, by their *Perſian*, *Grecian*, *Egyptian*, *Syrian*, and *Roman* *Governours*, under whoſe Dominion they were) this was no giving the Supremacy of Government out of their own hands; much Sect. 2.

Joſep. Ant. l. 11. c. 4. & c. 8. lib. 12. c. 2. & c. 3. lib. 14. c. 17.

B.1.C.1. much less can it be a Plea against the *Supremacy* of Government, in a free *natural Prince*; where the consent of his Subjects in *Parliament*, is always taken in, for the forming and enacting any new law, which he establisheth at their request and Petition.

3. And as such a model of framing laws, is very well consistent with the *Supremacy* of the Prince; so it is a great *priviledge* to the *subjects* of such a Realm, which they cannot but be sensible of, and which will make their subjection more cheerful and free. And it further encludeth this *advantage* to the *Government* it self, that there is like to be greater care of obedience to those *laws*, where the people are not only obliged thereto from the duty of *submission*, and the fear of penalties, but have also given their own *consent* and agreement, to their being and constitution. To this purpose the things established by our laws, are called things *agreed* and *assented to*, and *concordata*; and very often they are declared to be *enacted by the Kings Majesty, with the advice and assent of the Lords and Commons*; but always it is acknowledged, that neither, nor both Houses of Parliament, have any *legislative power without the King*; and whosoever shall assert the contrary, is by a late statute

St. de Marlbridge, St. de Bigamis St. quo Warranto, & passim.

tute declared to be under a *Præmunire.* Sect. 2. 13 Car. 2. 1.

4. And it is plainly evident, that the *ſupreme government* in all things or cauſes, is quite of a different nature, from the right of performing the *actions or offices* of all perſons, who are under this government (which, for the moſt part, are inconſiſtent with the dignity of Supremacy) though ſome have been willing to confound theſe things, and thereby hinder themſelves and others, from a right underſtanding of them. And *Cardinal Bellarmine* himſelf, ſpent his ſtrength and courage in fighting in the dark, when he ſomewhat largely inſiſts on this argument, That ſecular *Princes* have not a ſupreme Government with reſpect to the *Church*, becauſe they cannot *perform* the *offices* of other Governours of the Church, *Biſhops, Prieſts, and Deacons*; and argues, *they may not baptize and conſecrate, non ſunt igitur Reges ſupremi Eccleſiæ Magiſtratus.* But no man need be to ſeek for the *true ſenſe* of *ſupremacy*, as it is acknowledged in this *Church* and *Realm*, who doth conſider duly thoſe very words, both in the Oath of Supremacy, and the Canonical ſubſcription, *That the King is ſupreme Governour, as well in all ſpiritual or Eccleſiaſtical things or cauſes, as temporal.* Wherefore

Supremacy is a right of governing, not of performing all particular offices.

De Rom. Pont. l. 1. c. 7.

5. *Obſ.*

B. 1. C. 1.

Some authority besides the supreme, by peculiar divine institution, both in spiritual and temporal things.

5. *Obs.* 1. In *temporal things* or causes, there are some rights of power and authority, which are wholly *derived* from the *King*; as the Commanding an Army or Navy, and the governing any place or County in his Dominion: but there are others which depend upon *divine institution*, which institution must be reverenced, and the rules thereof attended unto by all sorts of men; such is the authority and right of the *Husband* over his Wife, in the state of marriage appointed of God. And in *Ecclesiastical matters*, there are some things in our ancient laws, reserved as peculiar to the Ecclesiastical power, not without good reason, and yet much by the *favour* of the *soveraign authority*; as the power of proving *wills* and *testaments*, and granting *administrations*, concerning which our late Statutes have made some additional provisions; but there are other matters of *Ecclesiastical authority*, which intirely flow from the *institutions of Christ*, as the right of *consecrating*, *ordaining*, and the whole power of the *Keys* doth. Now the asserting the *supremacy* of Government, is never designed in any wise to violate, either these *divine* or *Christian institutions*, or to assert it lawful for any Prince to invade that authority and right, which is made *peculiar* thereby,

21 *Hen.* 8. 5. 22 & 23 *Car.* 2.

thereby, whether in matters *temporal* or *ſpiritual*. Wherefore there was juſt cauſe for underſtanding men, to tax the *vanity* and inconſiderateneſs of thoſe men, who will underſtand nothing elſe by the Kings Supremacy in *cauſes Eccleſiaſtical*, but this, that he may aſſume to himſelf the *performance* of all proper *Eccleſiaſtical actions*. Sect. 2. Grot. de Imp. S. m. cap. 2. n. 1. Abbot. de ſuprem. pot. Reg. præl. 2. n. 2. Maſ. de Min. Angl. l. 3. c. 5. n. 2. & l. 4. c. 1.

6. *Obſ.* 2. Since the aſſerting the Kings *Supremacy* in things *temporal*, doth not exclude the ſubject from a real *propriety* in his own eſtate, nor declare it lawful for a Prince, when he pleaſeth, to *alienate* his ſubjects poſſeſſions and inheritance; the owning his ſupremacy in matters *Eccleſiaſtical*, muſt not be ſo far ſtrained, as to acknowledge that the *revenue* of the *Church* may be *alienated* at the pleaſure of the Civil power. For beſides, that in our Engliſh laws, this hath the ſame *legal ſecurity* that all other properties have, and with a *priority* and precedence thereto; it is but reaſonable, that that *poſſeſſion* which beareth a reſpect to *God*, ſhould be as inviolable as the rights of any men. And that revenue which is ſet apart for the ſupport of the *ſervice of God*, and of thoſe adminiſtrations which tend to mens *eternal felicity*, ought not to be leſs ſecured, than what concerneth their *temporal welfare*. *Eccleſiaſtical and civil rights aſſerted.* Magn. Char. c. 1.

7. *Obſ.*

B. 1. C. 1. *Things good and evil cannot be altered, but must be established by authority.*

7. *Obs.* 3. The Soveraign power is so *supreme* in things *temporal*, as that whatsoever is *good* or *evil* by the law of nature, or the command of God, cannot be altered thereby (*viz.* so as to make theft and murder good, or justice, chastity and speaking truth evil). And in things *Ecclesiastical*, all matters of *faith*, *worship* and *order*, which Christ hath determined in his Church, must remain equally unmoveable and unalterable, notwithstanding the acknowledgment of Royal Supremacy in *causes Ecclesiastical*. And in *temporal affairs*, what authority the God of nature hath planted in any other persons, still remaineth intire notwithstanding the Royal Government over them; thus for instance, the power, right, and authority of *Parents*, is still acknowledged such, as that it is neither *derived* from the regal authority, nor can be *forbidden* by it. And this power, which both the laws of nature and of Christianity establish, hath been universally owned throughout the world; and it is observed by *Philo*, that when *Tiberius*, the Son of *Drusus*, a *minor*, was left Copartner with *Caligula*, in the right of the Empire, by the will of *Tiberius* the deceased Emperour; *Caligula* by this subtile and wicked method, brought him to be so under his immediate government, as to have

Phil. de Leg. ad Caium.

oppor-

opportunity to deſtroy him, by taking him to be his *adopted Son.* And as the *paternal power* muſt be preſerved, ſo likewiſe whatſoever *officers*, or order of men, Chriſt hath committed his authority unto in his Church, this authority doth fully ſtill remain and reſide in them; and as it is not *derived* from any temporal power, neither may it be *taken away* or aboliſhed thereby. But the ſupreme civil government, hath in all theſe things a right and authority, of *enjoining* to every one the performance of their duty, and alſo of *determining* many particularities, which have relation to theſe general heads, and to *puniſh* irregular exorbitances and miſcarriages. Sect. 3.

V. Thorndike, *Right of the Church.* Ch. 4. p. 168.

SECT. III.

The declaration of this ſenſe by publick authority, *obſerved.*

1. Though theſe things might of themſelves ſeem clear enough, we have yet further two *authentick expoſitions* of this ſupremacy in cauſes Eccleſiaſtical, confirmed by the greateſt *authority* of this Church, and Realm. The former with a particular reſpect to the Oath of Supremacy, was at firſt publiſhed in the *Queens Injunctions.*

B.1 C.1. *In the Admonition to ſimple people deceived by malicious.*

There the Queen diſclaiming all *authority, of miniſtring divine offices in the Church,* as that which *cannot by any equity of words or good ſenſe, be intended by the Oath*; doth declare, that *no other duty or allegiance, is meant or intended by the Oath, nor any other authority challenged therein, than what was challenged by K.* Hen. 8. *and K.* Edw. 6. *and which is, and was due to the Imperial Crown of this Realm* (the more particular explication of which, followeth in theſe words) *that is, under God to have the Soveraignty and rule, over all manner of perſons, born within theſe her Realms, Dominions and Countries, of what eſtate, either Eccleſiaſtical or temporal, ſoever they be, ſo as no other foreign power ſhall have, or ought to have any ſuperiority over them.* And then it follows, *and if any perſon ſhall accept the ſame Oath, with this interpretation, ſenſe and meaning, her Majeſty is well pleaſed to accept every ſuch perſon in that behalf, as her good and obedient ſubjects.*

2. But this explication received a more ſolemn and ample publick Sanction, by a *ſtatute law*, not long after the publication of theſe Injunctions. Therein it was enacted, that *the Oath of Supremacy, ſhould be taken and expounded, in ſuch form, as*

5 Eliz. 1.

it

is ſet forth in an admonition, annexed to the Queens Injunctions, *in the firſt year of her Reign; that is to ſay, to confeſs and acknowledge in her Majeſty, her Heirs and Succeſſors, none other authority, than that was challenged and lately uſed, by the noble King* Henry *the Eighth, and King* Edward *the Sixth, as in the ſame admonition it plainly may appear.* Sect. 3.

3. The other publickly acknowledged expoſition, of the ſenſe of this Supremacy, is in the *Articles* of the *Church of England*, agreed on in the Convocation, and confirmed or eſtabliſhed by a legal Sanction. Therein are theſe words, *Where we attribute to the Queens Majeſty, the chief Government, by which title, we underſtand the minds of ſome ſlanderous folk to be offended, we give not our Princes the miniſtring of Gods word, or of the Sacraments, the which thing the* Injunctions *ſet forth by* Elizabeth *our Queen, do moſt plainly teſtify; but that only prerogative, which we ſee to have been given alway, to all godly Princes in holy Scripture, by God himſelf, that is, that they ſhould rule all eſtates and degrees, committed to their charge by God, whether they be* Eccleſiaſtical *or* temporal, *and reſtrain with the civil ſword the ſtubborn and evil doers.* 13 *Eliz.* 12. *Artic.* 37.

B. 1. C. 1. 4. And when Biſhop *Uſher* in his Speech at the ſentencing ſome *Recuſants*, in the *Caſtle Chamber* at *Dublin* explained the Kings Supremacy, according to this *article* of our Church; King *James* ſo approved his explication thereof, that he returned him particular thanks for the ſame, which is printed with his ſpeech. And the Biſhop therein plainly aſſerted, that *God had eſtabliſhed two diſtinct powers on earth; the one of the* Keys, *committed to the Church; and the other of the* Sword, *which is committed to the civil Magiſtrate and by which the King governeth.* And therewith he declareth, that as the ſpiritual Rulers, have not only reſpect to the *firſt table*, but to *the ſecond*; ſo the Magiſtrates power, hath not only reſpect to the *ſecond table*, but alſo to the *firſt*.

At the end of his Anſwer to the Jeſuits Challenge.

5. From all this we have this plain ſenſe, That the King is ſupreme Governour (that is *under God*, ſay the Injunctions, and *with the civil ſword* ſay the Articles) as well in all ſpiritual or Eccleſiaſtical things or cauſes as temporal; that is, he hath the *Soveraignty and rule over all manner of perſons born in theſe Dominions, of what eſtate ſoever, either Eccleſiaſtical or temporal*, ſay the Injunctions, and to the ſame purpoſe the Articles. Only here we muſt obſerve, that the King's being ſupreme Governour

vernour in *all things and cauſes*, is one and the ſame thing, with his having the chief Government over *the perſons* of *all his ſubjects* with reſpect to their places, actions, and employments; and therefore is well explained thereby. For it muſt neceſſarily be the ſame thing, to have the command or overſight of any *Officer*, ſubject, or ſervant, about his buſineſs; and to have a command or over-ſight concerning the *buſineſs* in which he is to be employed: and the ſame is to be ſaid concerning the power of examining their caſes, or puniſhing neglects and offences. Sect. 3.

6. And from hence we may take an account, of the true ſenſe of that title, uſed by King *Henr.* 8. and King *Edw.* 6. of *ſupreme head of the Church of England.* This ſtile was much miſunderſtood by divers Foreigners, ſeemed not pleaſing to Biſhop *Juel*, and ſome others of our own Church, was well and wiſely changed by our Governours, and hath been out of date for above ſixſcore years paſt. And though this title was firſt given to King *Hen.* 8. by a Convocation and Parliament of the Roman Communion, it was uſed all King *Edwards* days, and then owned even in the *book of Articles.* And the true intended ſenſe, from the expreſſions above mentioned, appeareth manifeſtly to be this, to ac- *Of ſupreme head of the Church of England.* *Def. of Apol.* Part 6. Ch. 11. div. 1. Tit. *Of the civil Magiſtrate.*

B.1.C.1. knowledge the King to be *head or chief Governour*, even in Ecclesiastical things, of that number of Christians, or that part of the Catholick Church, who reside in these Realms, and are subjects to his Crown, even as *Saul* by being anointed King, was made *head of the tribes of Israel*, 1 *Sam.* 15. 17. And according to this sense, the use of this title, was allowed and justified by very worthy men, such as Bishop *Whitgift*, Bishop *Saunderson*, Mr *Mason*, and others. And to this end and purpose, it is the just right of the King of *England*, to own himself the *supreme Governour of the Church of* England, which was a stile sometime used, by our pious and gracious King *Charles* the First, in his publick *Declaration* about Ecclesiastical things, but with due respect to the Ecclesiastical Officers.

Wh. Treat. 8. ch. 1. div. 4.

Bishop Saund. Episcop. not prejud. to reg. p. 130, 131.

Mas. de Min. Anglic. l. 3. c. 4.

Declar. before 39. Articles.

7. In the ancient Church, it was not unusual for him, who had the chief preeminence over a Province, or a considerable part of the Christian Church, to be owned as their head: whence in the ancient *Collection* or *Code* called the Canons of the Apostles, the chief Bishop in every Nation, was required to be esteemed by the rest ὡς κεφαλὴν, *as their head*. And that Bishops may be called *heads* of their Churches, is asserted by *Gregorius de Valentia*,

Can. Apost. 34.

lentia, from that expreſſion of Scripture lately mentioned concerning *Saul*; which yet muſt more directly and immediately prove, that title to be applicable to a *Sovereign Prince*. And as the name of *head*, is only taken for a chief and governing member, the Author of the Annotations upon the Epiſtles, under S. *Hierom*'s name, was not afraid of this expreſſion, *Sacerdos caput Eccleſiæ*, *the Prieſt is the head of the Church*. Sect. 3. Tom. 4. Diſp. 1. qu. 8. punct. 4. *In* 1 *Cor.* 12.

8. And though that Statute, whereby the title of *ſupreme head* of the Church of *England*, was yielded to King *Hen.* 8. doth aſſert the Kings power to correct and amend, by *ſpiritual authority and Juriſdiction*; yet that this was intended only objectively, concerning his government in *ſpiritual and Eccleſiaſtical things* and cauſes, or his ſeeing theſe things be done by *Eccleſiaſtical Officers*; and was only ſo claimed and uſed, we have further plain evidence, both concerning the time of King *Hen.* 8. and King *Edw.* 6. Under the Reign of King *Hen.* 8. by his particular command, for the acquainting his ſubjects with ſuch truths, as they ought to profeſs, was publiſhed a Book, called, *The Inſtitution of a Chriſtian man*, which was ſubſcribed by twenty one Biſhops, and divers others of the Clergy, and the Pro- *26 Hen.* 8. 1.

B. 1. C. 1. *Of the Sacr. of Orders.* f. 39. feſſors of Civil and Canon law; and in the dedication thereof to the King, by them all, is given to him this title of *Supreme head in Earth, immediately under Chriſt, of the Church of* England. In this Book, beſides very many other things to the ſame purpoſe, it is aſſerted, *That Chriſt and his Apoſtles did inſtitute and ordain in the new teſtament, that beſides the civil powers and governance of Kings and Princes (which is called* poteſtas gladii, *the power of the ſword) there ſhould alſo be continually in the Church militant, certain other Miniſters or Officers, which ſhould have ſpecial power, authority, and commiſſion under Chriſt, to preach and teach the word of God, --- to diſpenſe and adminiſter the Sacraments, --- to looſe and abſolve, --- to bind and to excommunicate, --- to order and conſecrate others in the ſame room, order* f. 40. *and office.* And again, *This ſaid power and adminiſtration, in ſome places is called* claves, ſive poteſtas clavium, *that is to ſay, the Keys, or the power of the Keys, whereby is ſignified a certain limited office, reſtrained unto the execution of a ſpecial function or miniſtration.* f. 41. And yet further we have therein this very clear paſſage, That *this office, this power and authority, was committed and given*

ven by Chriſt and his Apoſtles, unto cer- Sect. 3.
tain perſons only, that is to ſay, unto Prieſts or Biſhops, whom they did elect, call and admit thereto, by their prayer and impoſition of their hands.

9. And concerning the office and power of *Kings*, the Doctrine and poſitions then received were ſuch as theſe, which are in that Book expreſſed. *That God conſtitu-* f. 49.
ted and ordained, the authority of Chriſten Kings and Princes, to be the moſt high and ſupreme, above all other powers and offices, in the regiment and governance of his people. Unto them of right f. 50.
and by Gods commandment it belongeth, principally to defend the faith of Chriſt and his Religion, ---- and to aboliſh all abuſes, hereſies and idolatries. Notwithſtanding we may not think, that it doth appertain unto the office of Kings and Princes, *to preach and teach, to adminiſter the Sacraments, to abſolve, to excommunicate, and ſuch other things, belonging to the office and adminiſtration of Biſhops and Prieſts: but we muſt think and believe, that God hath made Chriſtian Kings to be as the chief heads and over-lookers, over the ſaid Prieſts and Biſhops, to cauſe them to adminiſter their office and power committed unto them purely and ſincerely; and in caſe they*

ſhall

B. 1. C. 1. *ſhall be negligent in any part thereof, to cauſe them to ſupply and repair the ſame again.*

10. And for the time of King *Edward*, it is manifeſt from the Book of *Ordination*, that the offices of *Biſhop*, *Prieſt*, and *Deacon*, the power of *remitting* and *retaining* ſins, and the *Paſtoral authority* in the Church, was accounted by ordination to be committed to thoſe perſons only, who receive ſuch ordination. And in his time, the royal authority and dignity is deſcribed, and aſſerted in his *Injunctions*, in the very ſame words, whereby it is declared in the *injunctions of Queen Elizabeth* and no otherwiſe; and almoſt in the ſame phraſes which are made uſe of in our Canons: *i. e.* that the Kings power, within his Realms and Dominions, *is the higheſt power under God, to whom all men within the ſame Realms and Dominions, by Gods law owe moſt loyalty and obedience, afore and above all other powers and potentates upon earth.*

K. Edw. *Inj.* 1.

Qu. Elizab. *Injunct.* 1.

Can. 1. 1603.

11. Now theſe things do clearly manifeſt, that the *ſpiritual authority* of the Clergy, was both in King *Hen.* and King *Edwards* reign, owned to be really diſtinct from the *ſecular* authority, and was not ſwallowed up into it. And this I have the rather taken notice of, becauſe it gives us

tis a clearer proſpect into the plain ſenſe of the interpretation of the Kings Supremacy, as it was declared in the *Admonition*, annexed to the Queens Injunctions, unto which the explication of the *ſtatute*, and *Articles* do refer. And what is herein obſerved, from the *Inſtitution of a Chriſtian man*, is the more conſiderable, becauſe that Book was then deſigned by the King and Biſhops, as a guide to direct the Biſhops and Preachers, what they ſhould teach the people *committed to their ſpiritual charge*, as is very often expreſſed throughout the whole Book, almoſt in every leaf of a great part thereof. Sect. 4.

SECT. IV.

The ſpiritual authority *of the Eccleſiaſtical Officers, is of a diſtinct nature from the* ſecular power, *and is no way prejudicial to* Royal Supremacy.

1. The wiſdom and goodneſs of God is eminently conſpicuous, both in *founding* his *Church*, and eſtabliſhing an Eccleſiaſtical Society and authority, and alſo in ordering *a civil polity* in the world. And theſe two things were well obſerved by *Juſtinian*, to be high inſtances of the great goodneſs and bounty of God towards men;

Maxima

B. 1. C. 1. Novil. 6. *Maxima inter homines dona Dei ſunt, à ſuperna collata clementia, ſacerdotium & imperium.* And theſe two being both of them from God, do not, if rightly underſtood, claſh with, but are uſeful and helpful to one another.

Of old the ſame perſon oft King and Prieſt.

2. Whilſt God was worſhipped only in ſome particular Families, of the *holy Patriarchs*, he who was the *chief Governour* of thoſe Societies, was alſo in the place of a *Prieſt* to that Family, whence *Noah*, *Abraham* and *Job* offered Sacrifice. And in thoſe ancient times, in ſome *principalities*, the ſame perſon was King and Prieſt; as *Melchiſedec* was both *King of Salem, and Prieſt of the moſt high God*; and כהן which in the *Hebrew* is the ordinary word to expreſs a Prieſt, doth alſo ſignify a Prince. And *Moſes* himſelf before the Jewiſh Government was compleatly formed, ſuſtained the office both of a Prince and a Prieſt; whence *Philo* in his deſcription of a compleat Governour, maketh the *Prieſthood* to reſide in him, as then it was in *Moſes*.

Phil. de vit. Moſ. l. 3. p. 681.

3. And from the traditions of the ancient times, the general cuſtom of divers *Pagan Nations* might have its original, who in ſeveral diſtant parts of the world, *conjoined* in the ſame perſon the *royal authority*, and the *Prieſthood*. This was done,

done, ſaith *Clemens Alexandrinus*, by thoſe who were the wiſeſt of them; and is particularly averred by *Diodorus Siculus*, concerning the ancient *Ethiopians*; and of the *Egyptians* alſo by *Ælianus*, as alſo by *Plato in Politic.* and by *Syneſius Ep.* 121. And that *Jethro Moſes* his Father in Law, was both King and Prieſt, is expreſſed by *Ezekielus*, a Poet of Jewiſh Extraction, in ſome Verſes mentioned by *Euſebius*. That the ſame uſage did ſometimes take place among the *Tyrians* of old, appears from *Joſephus*; and in the time of *Æneas* his travels, after the deſtruction of *Troy*, at *Delos*, there was, ſaith *Virgil*, *Rex idem hominum, Phœbique ſacerdos.* The Pagan Emperours at *Rome*, had likewiſe the Office of *Pontifex Maximus*, and uſed this title in ſeveral Edicts, as part of their ſtile of dignity, of which we have a plain inſtance in *Euſebius*, concerning *Galerius Maximinus*, and *Conſtantius*. This was alſo ordinarily impreſſed upon their *coins*, where ſometimes the proper *imperial title* was ſtamped on the one ſide, and that of *Pontifex Maximus* on the other, as appears in that Medal exhibited to this purpoſe, by *Marquardus Freherus*. And that *Cyrus* the King of *Perſia*, did himſelf both Sacrifice, and annex his Prayers therewith, is obſerved by *Xenophon*. And there are ſeveral

Sect. 4. Cl. Alex. Str. l. 7. p. 720. Diod. Sic. l. 3. c. 1. Ælian. Var. Hiſt. l. 14. c. 34. Euſ. Pr. Evang. l. 12. c. 28. Cont. Ap. l. 1. Virg. Æneid. 3. Hiſt. Eccl. l. 8. c. 29. M. Freh. Tr. de Numiſm. cenſus. Xenoph. de Inſt. Cyr. l. 2, 3, 8.

B. 1. C. 1. several learned men who assert, that this title of *Pontifex Maximus* was retained, as an ordinary part of the *Imperial stile*, even by the first Christian Emperours, until the time of *Gratian*, who, according to the testimony of *Zosimus*. is said to have rejected it, as unsuitable to Christianity. And it is certain, that this title was given to some of them, and even to *Gratian* himself as well, and as oft as to any other, in some few *publick inscriptions*, which are urged to this purpose by *Baronius* and *Selden*. But as these inscriptions were probably ordered by others, and not by these *Christian Emperours* themselves; so we have this evidence, that none of these Emperours affected, or ordinarily used this title, if they did at all own it, not only in that *Gratian* openly declared against it, but also, 1. In that none of them used it in any of their publick *edicts*, as was done usually by the Pagan Emperours. 2. Nor so far as can be collected from the various *medals* stamped in their times, did they make use thereof as the Pagan Emperours had done, in any of their Coins, which Mr *Selden* acknowledgeth. 3. It is mentioned by *Sozomen*, as one of the notes of *Julians* forsaking Christianity, that he called himself ἀρχιερέα, or *the Pontifex*.

Bar. An. 312. n. 94, 96, 97, &c. *and* an. 383. n. 6. Seld. de Syn. l. 1. c. 10. à p. 329. ad 344.

Seld. ibid.

Sozom. Hist. Eccl. l. 5. c. 1.

4. But

Sect. 4. *Eccleſiaſtical and civil power, ſeparated in the old Teſtament.*

4. But when God eminently revealing his will by *Moſes*, had formed a more publick, ample, and viſible eſtabliſhment of a Church in the World, under the *Jewiſh diſpenſation*, than was before it, he then divided the Kingly authority and the Prieſthood, into diſtinct hands. And nothing is more manifeſt, than that under Judaiſm, the *Prieſthood* was fixed in the *Family of Aaron*, *Ex.* 28. 1. *ch.* 40. 15. And when *Corah*, who was of the chief Family of the *Levites*, which had *the charge of the moſt holy things*, (*Num.* 16. 1. compared with *Num* 4. 4. *&c.*) and his Company, undertook preſumptuouſly to invade this office, they were puniſhed with ſevere, dreadful, and miraculous judgments, in that the *earth opened its mouth, and ſwallowed up the Company of* Corah, *Num.* 16. 32, 33. and *the fire that came out from the Lord, conſumed the two hundred and fifty men that offered incenſe*, *v.* 35. and as the ancient Jewiſh Writers tell us, there was not any member of theſe men remaining, which could receive a Burial; and from hence the Jews received a ſtrict admonition, that no man whoſoever, *who was not of the ſeed of* Aaron, *ſhould come near, to offer incenſe before the Lord*, *v.* 40. And this peculiar priviledge of the Family of *Aaron*, was further confirmed, by

Joſep. Ant. Jud. l. 4. c. 3. Phil. de vit. Moſ. l. 3. p. 693.

B.1.C.1. by the miracle of *Aarons rod bloſſoming*, *Num.* 17. 1.–10.

5. And that the *King* and *chief ruler* among the Jews, being not of the line of *Aaron*, might not intermeddle with the execution of this *Prieſtly Office*, is manifeſt, beſides the general rules of the law, from other ſpecial inſtances. For when 1 *Sam.* 13. 9, 13, 14. *Saul* undertook to offer Sacrifice, he was ſharply rebuked by *Samuel*, and thereupon God denounced this heavy judgment againſt him, that his *Kingdom* muſt not *continue*. And when *Uzziah* attempted to offer incenſe, he was ſmitten with *le-* Ant. Jud. l. 9. c. 11. *proſy* for this tranſgreſſion, 2 *Chr.* 26. 16, 22. to which *Joſephus* addeth other teſtimonies of the divine diſpleaſure againſt him, and telleth us that this judgment upon *Uzziah*, was inflicted on one of their ſolemn Feaſt days; which, if it was ſo, might render it the more remarkable.

6. And the reaſon why God fixed the Prieſthood in the Family of *Aaron*, and not in *Moſes*, and the *ſucceſſive Gover-* Ant. l. 3. c. 10. *nours*; was not chiefly, as *Joſephus* repreſenteth *Moſes* to ſpeak, from the worth and deſert of *Aaron*: But it tended much to excite the greater *reverence* and awe, towards the majeſty of God, and an higher *veneration* for the offices of Religion, that no perſon, no not the higheſt among men,

men, might perform theſe ſacred offices, of approaching to God by offering Sacrifices and Oblations, ſave only thoſe perſons, whom God had particularly ſet apart for that purpoſe. And withall the Prieſt *bleſſing* in the name of the Lord, and eſpecially *Aarons* putting the ſins of the people upon the head of the *live-Goat*, *Lev.* 16. 21, 22. which included the applying Gods pardon to them, and other *Prieſtly performances*, which were not mere actions of natural Religion, but depended upon *Gods inſtitution*, could not be performed, but by an eſpecial and peculiar authority derived from God to that intent, or in the language of the Apoſtle, *Heb.* 5. 3. *No man taketh this honour to himſelf, but he that is called of God, as was* Aaron. Sect. 4.

7. And in the ſtate of *Chriſtianity*, as Chriſt hath eſtabliſhed the Officers of his Church, ſo there ſeemeth rather more reaſon, for the peculiar *diſtinct inſtitution* of theſe *Officers*, under the Chriſtian Church, than under the Jewiſh. For whiſe the Jewiſh Prieſts chiefly acted for men *towards God*, in Sacrifices and Oblations, the Chriſtian Officers do in more things than they did, act *from God* and in his name towards men; which in the nature of the thing, doth more eſpecially require *And under the Goſpel.*

B.1.C.1. an authority, peculiarly received from God. For who can *deprive* any perſon, of the *communion* of that Society which Chriſt hath founded, or receive and reſtore them unto it, but by the authority which he hath appointed? Or how can any perſons *conſecrate Symbols*, and diſpenſe them, as ſealing the Covenant of grace, and exhibiting from Chriſt, the bleſſings and benefits thereof to the due receivers; unleſs they be thoſe, who have received Commiſſion from him to this purpoſe? Or who can *pronounce abſolution* in Chriſts name (which is alſo implicitely included, in the adminiſtration of the Sacraments, and other miniſterial Offices) unleſs he hath given them ſuch particular authority? And the ſame may be ſaid of ſolemn Eccleſiaſtical *benedictions*, with impoſition of hands, and particularly of the *ordination* of ſuch Officers in the Chriſtian Church, who are to be inveſted with this authority.

8. And that this Eccleſiaſtical authority under the Goſpel ſhould be committed to *peculiar Officers*, and not fixed in them who have the civil power, is that which the wiſdom of our Saviour hath appointed, who did not call ſecular rulers to be his Apoſtles. This was partly requiſite, becauſe there are *different qualifications*, to

fit

ſit perſons for ſecular government, and for preſiding in the Church; and becauſe the Chriſtian Church being called to take up the *Croſs*, ſhould not be deſtitute of its guides in a time of *perſecution*, when it may need them moſt. But this alſo maketh the *communion of the Church* it ſelf, as it is a peculiar Chriſtian Society, and its dependance on the grace of God, and its relation to him, to be the more viſible and remarkable, by the diſtinct Officers and authority, conſtituted to *diſpenſe* the myſteries of his grace. And it tendeth alſo to conciliate an higher honour and veneration, for the particular inſtitutions of God and our Saviour, in the new Covenant, in that the *adminiſtration* of them, is the proper deſigned work, of ſuch *peculiar officers* of his appointment. And therefore if any would make the Eccleſiaſtical offices, to be an authority appendent or annexed unto the civil, he undertakes to unite thoſe things which are in *Syneſius* his phraſe, ἀσύγκλωστα, *ſuch as cannot be knit or woven into one another.* Sect. 4. Syneſ. Ep. 57.

9. But it is to be obſerved, that though theſe offices be ſo diſtinct, that none ought to perform the *Eccleſiaſtical miniſtrations*, but they who are *ordained* thereto, and that no Eccleſiaſtical perſon hath any *civil power*, by mere vertue of his Ec- *Eccleſiaſtical Officers not excluded from all civil Government.*

B. 1. C. 1. cleſiaſtical office; and though the intermedling with ſuch matters of civil affairs, as in the nature of them are unſuitable to the Clergy, are reaſonably *prohibited* by the ancient *Canons*: yet it would be againſt all reaſon to imagine, that all civil Government becauſe civil and political, is inconſiſtent with the ſtate of an Eccleſiaſtical perſon, ſince he is a part alſo of the civil Society, or the body politick. In the Jewiſh ſtate, in ſome extraordinary caſes, that was very true which *Syneſius* obſerved, that the chief ſecular power was in the *Prieſt*; ſo it was under the government of *Eli*, in the days of the *Maccabees*, and the ſucceeding times, when *Ariſtobulus* is obſerved by S *Hierome*. to be the firſt who there joined the royal authority and Diadem, with the Prieſthood. But even under the reign of *David* the *Levites*; and in the time of *Jehoſophat*, the *Prieſts and Levites* are plainly according to the law declared to have been appointed, for Judges and Officers of the Realm, 1 *Chr.* 26 29---32. 2 *Chr.* 19. 8. and many other expreſſions of the Old Teſtament, are interpreted by Mr *Thorndike* to import the ſame, concerning other times of the Jewiſh Government. And in the time of Chriſtianity, I ſuppoſe no man will doubt, but that according to the Command

Syn. Ep. 121.

Hier. in Dan. 9.

Deut. 17. v. 8.--12.

Of Religious Aſſembl. c. 2.

mand of the Apoſtle, thoſe who are Officers in the Church, ought to take *care* of the Government of their own *Families*, which is a civil affair and authority. And whileſt the Church was under Pagan Princes, it was uſual for the Officers thereof to ſit in judgment, to *decide* all matters of *controverſy* among Chriſtians: which was according to the direction of our Saviour, *Mat.* 18. 17. and of his Apoſtle, 1 *Cor.* 6. as I ſhall in another place take notice. And the *making peace* and deciding differences, was thought a work ſo well becoming ſuch perſons, and was ſo uſually practiſed by them, about S. *Auſtins* time, that he mentions theſe things as thoſe, the hearing and determining of which, took up a conſiderable portion of his time. And nothing is more manifeſt, than that divers Imperial Edicts of pious Princes, did peculiarly reſerve the cogniſance of moſt cauſes relating to the *Clergy*, beſides others, to the hearing and deciſion of the Biſhop. And as Eccleſiaſtical Officers are members of the Community, and ſubjects to their Prince, it is very allowable, that they ſhould ſo far as they can, be every way uſeful unto both, and thereby alſo to the Churches good.

Sect. 4.

V. Conſt. Apoſtol. l. 2. c. 46. Ch. 5. Sect. 6.

Aug. de Oper. Monach. c. 29. Poſid. de Vit. Aug. c. 19.

Sozom. l. 1. c. 9. Cod. l. 1. Tit. 4. leg. 7, 8. Novel. 83, & 86, & 123.

10. But this diſtinct *conſtitution of the Church* and its Officers, is no diminution of

A diſtinct Eccleſiaſtical power, no prejudice to the civil.

B.1.C.1. of the civil authority and its supremacy, but rather an enlargement thereof, and an advancement of its dignity. For the whole state of the Christian Church, is founded in the *superabundant grace*, and favour of God towards man; and the Ecclesiastical authority of its Officers, being the *ministry of reconciliation*, is quite of a different nature from secular power, being wholly superadded over and above it, and without any infringment thereof. And hereupon the whole power of the Church, is by some Writers termed a *cumulative*, and not a *privative power*, as taking nothing from the civil; and the same terms are used, concerning the right of the secular power, in matters Ecclesiastical, as being without any abatement of the proper spiritual power. Yea, the whole *civil authority* towards all subjects whatsoever, doth not only still *remain intire* to the secular Ruler, but he also receiveth this *accession* thereunto, from the constitution of Christianity, that the object of his government is so far *enlarged* thereby, that he hath a right of *inspection and care*, even of those matters, which the grace of God, or the Gospel dispensation hath established. And this doth also so much the more exalt his *honour and dignity*, in that not only all subjects, in their general capacity as such,

Right of the Church, ch. 4. p. 168.
Review ch. 1. p. 13.
Didocl. Alt. Dam. cap. 1. p. 25.

ſuch, are obliged to ſubmit themſelves to their Kings and Princes; but that even thoſe *Officers* of the Church, which in their Realms are *eſtabliſhed*, by the peculiar appointment of Jeſus Chriſt, the King of Kings, are alſo included under this duty, and are not the leſs *ſubjects*, notwithſtanding their relation to the *Church*. To which I may add, that there are peculiar arguments, for *honour and reverence* unto Rulers, which the doctrine of the Chriſtian Church affordeth. Sect. 5.

SECT. V.

A particular account of this Supremacy, *in ſome chief matters* Eccleſiaſtical, *with ſome notice of the oppoſition which is made thereunto.*

To give a more particular account of Supremacy, in ſome chief matters Eccleſiaſtical, we may obſerve, 1. That though the *power of the Keys*, in admitting any perſon into, rejecting him from, or guiding him in the Communion of the Church, as a Society founded by Chriſt; and the diſpenſing Chriſtian myſteries, can be exerciſed by none, but the particular Officers of Chriſts Church, to whom it is committed; yet the Prince may *command* them

The Princes care about the power of the Keys.

B. 1, C. 1. them to mind and do *their duty* therein, and if need so require, punish their neglect. Indeed it belongeth to the Ecclesiastical power to *determine rules*, for the due exercise of the *power of the Keys*; and the ordering such rules is part of that power, which hath been frequently exercised in very many *Canons* of several Councils. But the soveraign power hath a right to take care, that these rules of Government be practised and observed. And the *establishing laws* of this nature, was very frequent, both in the Empire, and in other Christian Kingdoms: and those of *Justinian* have been especially taken notice of to this purpose. And though the later *Canonists* do broadly *censure* him, as intermedling too far in Church affairs; yet *Baronius* himself is here so modest, as to allow that there is much in this particular to be said in his excuse; and the late learned Archbishop of *Paris*, hath sufficiently shewed, that the more ancient Bishops, Patriarchs and Councils, did *applaud and honour* these his Constitutions in things Ecclesiastical.

Cod. l. 1. Tit. 3. l. 3. Nov. 6. & 123.

Annal. Eccles. An. 528. n. 1.

P. de Marca, de Concord. Sacerd. & Imp. l. 2. cap. 10.

And the worship of God.

2. 2. Touching the *worship of God*, since the divine establishment of the publick *Christian service*, is contained in the Gospel, no authority upon earth hath any right to prohibit this. And those Christians,

ans, who rightly *worſhip God*, in the true Catholick Communion, according to the Apoſtolical and Primitive Church, have a right to *hold ſuch aſſemblies* for the Chriſtian worſhip, as appear uſeful for the Churches good, though this ſhould be againſt the interdict of the civil power. As this is well and largely aſſerted by Mr *Thorndike*, ſo was it practiſed by the Chriſtians under their Perſecutions, and even by the *Catholick Biſhops* under the Arian Emperours. But the Sovereign Ruler hath a right to promote this publick worſhip, and to *eſtabliſh* it by a civil Sanction, to protect the Church therein, and to puniſh thoſe who neglect it, and in this ſenſe Princes are, as *Amalarius* ſtiled *Ludovicus Pius*, *Rectores totius Religionis Chriſtianæ, quantum ad homines pertinet*; *Governours in what relates to the Religion and worſhip of Chriſtianity*. And the civil Ruler hath alſo a right to oppoſe thoſe, who are guilty of *ſchiſmes* and occaſion *unchriſtian diviſions*, in the publick worſhip of God, and in ſo doing S. *Auſtin* undertakes to warrant him, as well he may, from the doctrine of the Apoſtle. That *he who reſiſteth the power reſiſteth the ordinance of God*, and *they that reſiſt receive to themſelves damnation*, that *he is a terrour to evil works, and a revenger to*

Sect. 5.

Right of the Church, Ch. 1. p. 4. &c.

Amal. Præf. lib. de Eccleſ. Offic.

Aug. Ep. 164.

B. 1 C. 1. *to execute wrath on him who doth evil; tota igitur quæstio est* (saith he) *utrum nihil mali sit schisma; the only thing to be enquired into in* this case is, *whether there be no evil in the sin of Schism.* And though the *method and rule* of the publick *worship* it self, is to be determined by the Ecclesiastical Officers, to whose immediate care the Church is committed; yet the secular power hath a right to see that this be done, to *establish* such orders of worship by their Sanctions, to provide for their due *observance*, and that they may be performed without *disturbance*. And such things as these were established by the Imperial law.

Cod. l. 1. Tit. 3. l. 10.

And the doctrine of Christianity.

3. 3. Concerning the *Christian doctrine* and *profession*, though no authority hath any right to oppose any part of the Christian truth; Princes may and ought to take care of the true profession thereof in their Dominions, and to suppress such dangerous *errors* as are manifestly contrary thereunto; as was done by the pious Emperours in the ancient Church, against *Arianisme*, *Donatisme*, *Manichetisme*, and other Heresies. But in cases of difficulty, for the deciding or ending of *controversies*, about matters of *faith*, the disquisition and Resolution of the spiritual guides ought to take place and to be embraced; be-

Cod. l. 1. Tit. 1. & G. Novel. 132.

cause

cauſe they are by their office *Paſtors and Teachers*, and their joint and regular determinations of great moment for the Churches peace; and alſo becauſe the Church as a Chriſtian Society (and therefore the guides and Officers thereof, in the firſt place) is *the pillar and ground of truth*, 1 *Tim.* 3. 15. Upon this account were many ancient Councils convened, and even the firſt general Council of *Nice*. And accordingly hath the doctrine eſtabliſhed in the four firſt general Councils, been conſtantly received in the Chriſtian Church: hence alſo both the *Imperial law*, and the *Canonical decrees*, reverence the doctrine of theſe Councils, *tanquam ſacras ſcripturas*, and a very high reſpect is given to them in our *Engliſh laws*. And the *Arian* Emperours who lived after the Council of *Nice*. could not by their *Imperial power*, null its *deciſion of doctrine*, after its plenary eſtabliſhment and confirmation. But in ſuch caſes the Catholick Chriſtian Emperours, did by their authority *eſtabliſh* the deciſions of the Oecumenical Councils. And as it is no abatement of the Royal Supremacy in civil matters, that when controverſies are determined by *able Judges*, and ſometimes by a *conſultation* of many of thoſe Sages, their determinations ſhould be eſtabliſhed by the royal

Sect. 5.

Euſ. de Vit. Conſt. l. 3. c. 16. Cod. ubi ſup. Novel 131.

Diſt. 15. c. ſicut, & c. Sancta.

V. Ch. 5. Sect. 1, 2, 3.

B.1,C.1. royal power; no more is the like proceeding in matters of Religion, any diminution of the royal power, when the regular *determinations* of *Catholick Councils* are owned thereby: but this method of proceeding doth in both the cases mentioned, evidence that the royal power is exercised with due Christian care, for the best attaining the designed end. But in matters of *truth* which are plain and *manifest*, from the holy Scriptures themselves, and the primitive Christian Doctrine, or the Declarations of approved Councils agreeing therewith; the secular Governour so far as is necessary, may proceed upon the evidence thereof to his own understanding.

Supremacy concerning order, decency, and peace in the Church.

4. 4. In establishing rules and *Constitutions for order*, decency, and peace, it belongeth to the Ecclesiastical Officers, who are Guides and Overseers of the Church, to *consult*, advise, and take care thereof, and this was a great part of the business of many ancient Councils, and the Canons thereof. But yet this is with such dependance upon the regal power, as I cannot better express, than in the words of our late Soveraign King *Charles* the First *If* saith he, *any difference* (in the Church of *England*) *arise about the external policy, concerning Injunctions, Canons, or other Constitutions*

Decl. before 39. Articl.

tutions whatſoever thereto belonging, the Clergy in their Convocation is to order and ſettle them, having firſt obtained leave under our broad Seal ſo to do, and we approving their ſaid Ordinances and Conſtitutions, providing that none be made contrary to the laws and cuſtoms of the land. But in ſuch an extraordinary caſe, as that in the primitive times was, when the civil power will not own the Church, the Eccleſiaſtical *Governours* by their *own authority*, may eſtabliſh neceſſary rules of order, as was then done. But ſince the external Sanction of ſuch things, doth flow from the *general nature of power* and authority; whereſoever the temporal power will take that care of the Church which it ought, it hath a right to give its *eſtabliſhment* to ſuch *Conſtitutions*; and the Eccleſiaſtical Officers as ſubjects, are bound to apply themſelves thereto, for the obtaining it. And as the Canons of Councils were uſually confirmed by pious Princes, ſo the Conſtitutions of the Imperial law, did require the *Canons to be obſerved as laws.* Sect. 5. M. Nov. 6. & 131. Cod. l. 1. Tit. 2. l. 6, 12.

5. 5. The *calling of Councils*, ſo far as is needful for the preſervation of the peace and order of the Church, may be performed as the former, by Eccleſiaſtical Officers, where the civil diſowneth the Church. *And the Calling of Councils.*

B.1.C.1. Church. But this being no particular exercise of the *power of the Keys*, but only of a general authority, doth peculiarly belong to the *Prince or supreme governour*, if he will make use thereof, as hath Can. 1. 1640. been declared by the chief persons of this Church. And the ancient right and exercise of the authority of Kings, in summoning provincial or national Councils, is sufficiently observed and asserted by *P. de Marca*.

De Conc. Sac. & Imp. l. 6. c. 18, 19, 22, 23, 24, &c.

The Kings just authority in matters Ecclesiastical opposed.

6. But against these just rights of the Princes power, there are various oppositions. Such are the claims of the *Romish Bishops universal Supremacy*, either in all affairs, or at least in all things Spiritual and Ecclesiastical; as also the pretence for the necessity of *general liberty*, and exemption from all authority in matters of Conscience and Religion, which things I shall so far as is needful, in due place particularly consider. Ch. 6. & 8.

7. The Writers of the Romish Church, do 1. Generally assert (and some other parties also encline the same way) that the *State of the Church*, and all *Ecclesiastical affairs*, are exempt from the civil power, and not under the inspection and government thereof; and that the *Clergy* as such, are not subjects to the secular Governour; and that they are not accountable before him;

1. V. l. 2 Decretal. Tit. de Jud. c. At si clerici. c. Clerici. Tit. de foro comp. c. si diligenti. Bellar. de Cler. c. 28.

him; no not ſo much, ſay divers of them, as in *criminal cauſes*, nor yet in *civil*. 2. Not only the Canoniſts, but many others alſo, do found this *Eccleſiaſtical immunity* upon a proper *divine right*, which is alſo aſſerted by ſome of the Romiſh Biſhops, in ſuch Councils as they call General. And ſome of their Writers run ſo high as *Layman Theol. Moral. l. 1. Tr. 4. cap. 13.* and divers others by him there cited, as to aſſert that no civil or ſecular laws, do lay any *obligation directly* upon the Clergy, as having no authority over them. But if I ſhall ſhew that all members of the *Chriſtian Church*, are nevertheleſs *ſubjects* of the Realm, and that the nature of *civil Soveraignty*, doth directly include a right to govern them, and an obligation to take care of the *affairs of the Church*, this will ſufficiently refute theſe contrary poſitions.

Sect. 5. Layman. l. 4. Tr. 9. c. 2, 4, 5. & ſeq. 2. Innoc. 3. in Conc. Lateran. Leo 10. in Bul. Reform. in Conc. Later. 5. Seſ. 9. Azor. Tom. 1. l. 5. c. 12. Laym. ubi ſup. c. 8. Greg. de Valent. Tom. 4. diſp. 9. qu. 5. p. 4. Bannes in 2. ſecundæ qu. 69. Art. 1. Dub. 2.

8. But theſe Writers are ſenſible, that in the *general practice* of the Chriſtian World, almoſt in all ages thereof, ſecular Governours have interpoſed in many caſes Eccleſiaſtical. And the great advantages, from *Chriſtian Religion* being eſtabliſhed, and *Gentiliſme* oppoſed, by the Laws and Conſtitutions of *Conſtantine*, and other worthy Chriſtian Emperours, are ſo viſible, that they cannot be denied; and therefore

B. 1. C. 1. therefore the Romaniſts do acknowledge, that the Princes care of the Church affairs, is of great uſe, and that he is as *Lælius Zecchius* expreſſeth it, *Eccleſiæ brachium, & Religionis propugnaculum*; the arm and defence of the Church, and the fortreſs of Religion. Yet that all this may be conſiſtent with the former poſitions, we have another device ſet on foot, which acknowledgeth, that this uſeful power of Soveraign Princes, in things Eccleſiaſtical, muſt be owned only as a *priviledge*, granted them by the *Biſhop of Rome*, and that they muſt act therein as by his favour, and as his deputies, and by the right of *protecting the Church* which he committeth to them.

L. Zecch. de principe l. 2. cap. 5.

Greg. de Valentia ubi ſupra. Laym. l. 4. tr. 9. c. 10. P. de Marca de Concord. l. 1. cap. 12. & in Prolegom. p. 28.

9. Now though this pretence will fall with the former, if it be manifeſted that the *nature*, *end* and *conſtitution* of civil government, as eſtabliſhed by God, is to be extended to *matters Eccleſiaſtical*; yet concerning this pretence, I ſhall here further note theſe things. 1. That they muſt caſt reflections upon the wiſe and *good God*, who aſſerting the great uſefulneſs of the *civil Ruler interpoſing* in matters Eccleſiaſtical, will not grant that the wiſdom and goodneſs of *God*, ſhould be as ready to allow the Church this advantage, as the prudence of the *Pope*. 2. That if this authority

thority in matters Eccleſiaſtical, be againſt the rules of the *divine law*, which God hath eſtabliſhed, for the honour and freedom of his Church; the Biſhop of *Rome* dealeth ill with the Church, touching its *freedoms*, by giving them away, and makes very bold with God, by daring to *confront Gods laws* with his priviledges, and *indulging* any perſon to diſobey them. Sect. 5.

3. That Chriſtian Princes would be in a very *unſafe condition*, whileſt they act any thing about the affairs of the Church, if they have no better foundation to bear them up, than the pretence of the Popes power to *diſpenſe* with the *laws of God*. Surely had *Juſtinian* thought, that his care of the Church had been ſo venturous and hazardous an enterpriſe, it would have cooled the heat of his zeal, that he would never have profeſſed, his care for the *Churches welfare*, to be equal to that for his *own life*. *Novel.* 58.

4. That whileſt any perſons do think it meet, that *Princes* ſhould act under the Pope, as his *deputy*, in the affairs of Religion, to whom they owe no ſubjection, and from whom they receive no ruling authority; it muſt certainly be much more reaſonable that they ſhould act under *God*, and as his *Deputies*, whoſe Vice-gerents they certainly are, and from whom I ſhall now deſign to prove them,

B.1.C.2. to have authority in matters Eccleſiaſtical.

CHAP. II.

The Royal Supremacy *of Kings, in matters Eccleſiaſtical, under the Old Teſtament, conſidered.*

SECT. I.

Their ſupreme authority over things and perſons ſacred, *manifeſted.*

Kings in the Old Teſtament governed about things of the Church.

1. THE inference which may be made, from the authority of the Kings, under the *Old Teſtament*, is an argument to which our Church hath a great reſpect, in aſſerting the Royal Supremacy in cauſes Eccleſiaſtical. In her *Articles* ſhe declareth, this acknowledgment of Royal Supremacy, to be a *yielding that only prerogative unto our Kings, which we ſee to have been given always to all godly Princes in holy Scripture, by God himſelf* And in her Canons ſhe threatneth *excommunication*, againſt them who ſhall affirm, *that the King hath not the ſame authority in cauſes*

Art. 37.

Can. 2.

cauſes Eccleſiaſtical, that the godly Kings had among the Jews. Wherefore I ſhall for the inforcing this argument, ſhew, 1. That the Kings of *Judah* had, and exerciſed a *ſupreme power of Government*, in things belonging to the *Church*. 2. That they did this by ſuch a right, as is common to all other *Soveraign powers*, and not by any *peculiar priviledge*; and that whatſoever difference is pretended, between them and Chriſtian Princes, is of no force to exclude the latter, from enjoying the like authority. Sect. 1.

2. Concerning the firſt I ſhall deſign to omit many things, but to obſerve ſo much as is needful, under theſe ſeveral branches. Firſt, concerning the *Ark of the Covenant*. This was in a peculiar manner *ſacred*, and none might carry it but the *Prieſts*, or Levites of the Family of *Kohath*; and *Uzzah* died for touching it, and the men of *Bethſhemeſh* for looking into it. It contained the two *tables of the Covenant*, which were the writing of God, was placed in the holy of holies; the top of it was the mercy-ſeat, and thereupon the Cloud which was the Symbol of divine preſence, the *peculiar Shecinah* ſo much magnified by the Jewiſh Writers: and the Ark and this divine preſence, were two of the five eminent things, wanting in the *The Ark.* Buxt. Lex. Rab. in שכן p. 2395, 2397, 2398. Lempereur in Middoth. c. 4. Sect. 5.

B. 1. C. 2. R. Dav. Kimchi in Hagg. 1. 8. second temple, and there was nothing more sacred than this, in the peculiar Oeconomy of the Jewish dispensation. Yet whereas the *Ark* was sometimes separated from the *tabernacle*, and the *temple*, it is evident that it was *David the King*, who ordered and appointed the *removing* of the *ark of God*, from *Kiriathjearim* to the House of *Obededom*, and from thence to the *tent*, which he had pitched for it in *Zion*, 2 *Sam.* 6. 1, 2, 10, 12. 2 *Chr.* 1. 4. and when he fled from *Absalom*, by his command to *Zadok* and *Abiathar*, the chief Priests, the Ark of God which did accompany him, was carried back again to *Jerusalem*, 2 *Sam.* 15. 25, 29. And it was at the command of *King Salomon*, that the Ark was brought from *Zion*, and placed in the temple, which he had built, 2 *Chr.* 6. 11. 1 *Kin.* 8. 1, 4. And when amongst other corruptions in Religion, the Ark was removed from the *holy of holies*, it was again *replaced* there, by the authority of *King Josiah*, 2 *Chr.* 35. 3. So that the Kings of *Israel* and *Judah* took care of this *holy thing*, which as *Salianus* expresseth it, was *nobilissima pars sanctuarii, quasi thronus Dei, & locus unde oracula fundebantur.*

Sal. an. M. 2544. n. 431.

The Temple. 3. The *holy temple* was the house of God, and it with the Altar, were in an especial

eſpecial manner dedicated unto God, and yet the *Kings authority* had to do with it, and the affairs thereof. The laws of God required, that the preſumptuous and wilful murderer, ſhould be *taken from Gods altar, that he might die*, not allowing as *Philo* noteth, that the temple which was Gods holy place, ſhould be *a refuge* for thoſe unholy perſons, who are *enemies unto God*. Whereupon by *Salomons* authority, *Joab* was commanded from *the hornes of the altar*. 1 *Kin* 2. 30. and when he refuſed to come from thence, this his carriage conſidered, the command of *Salomon* to *Benajah* to ſlay him there, ſeemeth warranted by the law above-mentioned, and is vindicated even by *Salianus*, and *Cornelius à Lapide*. The cleanſing and *purging the temple* from all defilement, was performed by the commandment of *Hezekiah*, 2 *Chr.* 25. 3, 5, 15. and the like was again done, in the reformation undertaken by *Joſiah*, 2 *Kin.* 23. 4, 6, 7. The *repairs* alſo of the temple, and the manner of diſpoſing of the treaſures thereof to that purpoſe, are taken care of by the order and command of *Joaſh*, 2 *Chr.* 24. 4, 8, 11, 12, 14. and by the commandment of *Hezekiah*, were Chambers prepared, within the limits of the *temple building*, for the receiving of *offer-*

Sect. 1.

Phil. de leg ſpecial.

Salian. an. 3022. n. 21.

A Lapide in 3 Reg. 2. 31.

B.1.C.2. *ings, and tithes and things dedicated,* 2 *Chr.* 31. 11, 13.

The Prieſts and Levites.

4. The Kings had a manifeſt Soveraignty over the *Prieſts*, who were the *chief officers* of the temple ſervice, yea even with reſpect to their *ſervice*, in the worſhip of God. After the Prieſthood was eſtabliſhed in the Family of *Aaron*, *Aaron* himſelf though *high Prieſt* and elder Brother, acknowledged *Moſes* to be *his Lord*, who had the ſecular ſoveraignty, is in the Scripture ſtiled a *King in Jeſurun*, and is acknowledged by the Jewiſh Writers to have had a *royal authority*, *Ex.* 32. 22. *Num.* 12. 11. And though *Moſes* enjoyed a ſingular dignity, in being a *divine Legiſlator*, yet that this title was given, and was due to *Moſes*, as chief civil Governour, is manifeſt, becauſe *Ahimelech* alſo the High Prieſt, giveth unto *Saul* the ſame title, owning him to be his *Lord*, and himſelf to be his *ſervant*, 1 *Sam.* 22. 12, 15. And *David* ſpeaking to *Zadok* the Prieſt, taketh to himſelf this title of being his *Lord*, 1 *Kin.* 1. 33. and gives him a *command* to anoint *Salomon*. And it was very uſual for the Kings, by their authority to *command* the Prieſts, even with reſpect to their *temple ſervice*, and to have ſuch commands obſerved, as appears in the reign of *Salomon*, 2 *Chr.* 8. 15. of *Hezekiah*,

Abarbinel in Ex. 30. Phil. de præm. & pœnis. Seld. de Syn. l. 2. c. 2. n. 2, 3.

kiah, 2 *Chr.* 29. 21, 24, 27. and of *Joſiah*, 2 *Chr.* 35. 10, 16. The *courſes* of the *Prieſts* attendance on their ſervice, was ordered by *David*, 1 *Chr.* 24. 3. by *Salomon*, 2 *Chr.* 8. 14. and by *Hezekiah*. 2 *Chr.* 31. 2. And by the authority of *Hezekiah* and his Princes, the *great Paſſover* in the ſecond month was obſerved, 2 *Chr.* 30. 2, 3, 4, 5. which was acceptable to God, *v.* 12, 20. Sect. 1.

5. Wherefore that argument which ſome Romaniſts make uſe of, to prove that Princes have no authority over Eccleſiaſtical perſons, becauſe God under the Old Teſtament took the *Levites* to be his, and he *gave them unto* Aaron *and his Sons*, *Num.* 3. 9, 12. and *Num.* 8. 11. -- 19. and therefore, ſay they, they were under ſubjection to no ſecular power, nor to any other ſave only to *Aaron* and his Succeſſors; is a very weak inference, ſince the High Prieſts themſelves, were manifeſtly under the *Royal Authority*. For this being Gods Ordinance, and his people being under its government, it can be no way incongruous, that what is his, ſhould be under the inſpection of that which hath his authority. And that the *Levites* were under the Government of the Kings, is obvious from the holy Scriptures, 1 *Chr.* 15. 4, -11, 12-- *ch.* 16. 4. 2 *Chr.* 29. 30. and from many other places. E 4 6. The

Gr. de Valent. Tom. 4. diſp. 9. qu. 5. punct. 4. Layman. The. Mor. Lib. 4. Tr. 9. c. 8. n. 2.

B. 1. C. 2. *The Prophets.*

6. The Kings Soveraignty over the *Prophets*, is also very evident. For though the *Prophets* when they delivered their message from God, and in his name, might require obedience, even from *Kings*, unto the *God of Israel*; yet that themselves as subjects of the Realm, were under the Kings authority, is sufficiently testified, by the instance of the Prophet *Nathan*, besides what I shall superadd in the following Chapter. For *Nathan* acknowledged himself the *servant of David*, 1 *Kin.* 1. 26. and that *David* was his *Lord*, *v.* 11, 27. and *David* owned himself to be *his Lord*, *v.* 33. and gave him *command* concerning the inaugurating of *Salomon*, *v.* 32, 33, 34. which *Nathan* observed, *v.* 38. And the testimony of the Jewish Rabbins, *Maimonides* and *R. Bechai*, have been by others observed, who from the example of *Nathan*, 1 *Kin.* 1. 23. declare, that a Prophet is to stand before the King, and to do reverence to him, with his face to the Earth.

Schickard de Jur. Reg. Heb. c. 4. Theor. 13. Carpzov. in Schick. ibid.

Idolatry, &c.

7. Concerning other general and necessary *matters of Religion*, it is so plain from the History of the Scriptures, that *idolatry*, *witchcraft*, and other such gross pollutions, were punished and suppressed, by the authority of the good Kings, that it is needless to refer to particular places.

When

When *Micah* and the *Danites* had an Houſe of Gods, it is particularly obſerved, that *in thoſe days there was no King in Iſrael*, *Jud.* 17. 5, 6. *ch.* 18. 1. which words do plainly intimate, that if there had been then a *King*, or *ſetled Governour*, it ſhould have been his care to *prohibit*, and root out ſuch tranſgreſſions againſt God; and S. *Aug.* aſſerteth, that other Kings ought to ſerve God as *Hezekiah* did, who deſtroyed the Groves and Temples of Idols. And that *Joſiah* the King was to deſtroy the Altar of *Bethel*, was foretold, 1 *Kin.* 13. 2. Sect. 1. Aug. Epiſt. ad Bonifac.

8. Now though moſt of theſe things, with many others of like nature, have been frequently obſerved by other Writers, yet I thought it neceſſary, ſomewhat particularly to take notice of them, in the management of this argument, eſpecially becauſe of the oppoſition I muſt meet with, and encounter in the following Chapter.

9. But leſt any ſhould ſay, that all theſe things were indeed *matters of fact*, but undertaken without *right*, it muſt be further conſidered, that the exerciſe of this royal authority in things Eccleſiaſtical, was *approved* and *commended* by God himſelf, and therefore was no unjuſt uſurpation. Thus for inſtance, *Aſa*'s care of reforming *Their governing herein was approved of God.*

Religion,

B.1.C.2. Religion, and eſtabliſhing it throughout all *Judah*, is declared to be that which was *right in the eyes of the Lord*, 2 *Chr.* 14. 2-5. and thoſe pious acts of *Hezekiah*, and *Joſiah*, for the *ſuppreſſing* falſe worſhip, and eſtabliſhing true Religion, had an high and ſignal commendation from God himſelf, 2 *Kin.* 18. 3, 4, 5, 6. and *ch.* 23. 1, 2, -25. And where there were defects in the purity of the publick worſhip, even this was charged as a *blemiſh*, in the government of the Kings who then reigned, as upon *Aſa*, *Jehoſaphat*, *Joaſh*, *Amaziah*, and others, 1 *Kin.* 15. 4. *ch.* 22. 43. 2 *Kin.* 12. 3. *ch.* 14. 4. And from hence it appears, according to what hath been declared in our Church, that

Can. 1. 1640. *the care of Gods Church is ſo committed to Kings in the Scripture, that they are commended when the Church keepeth the right way, and taxed when it runs amiſs: and therefore her Government belongeth in chief unto Kings; for otherwiſe one man would be commended for anothers care, and taxed for anothers negligence, which is not Gods way.*

SECT.

SECT. II.

The various Pleas, against Christian Kings having the same authority about Religion, *which was rightly exercised under the Old Testament, refuted.*

1. That the force of this argument might be avoided, divers methods are made use of, the chief of which, I shall consider. And those which in this Section I shall take notice of, are reducible to two ranks. Under the former, I shall examine those pretences which are made, to evidence that the Jewish Kings ordering things about Religion, was an *extraordinary case*, and by an *extraordinary power and Commission*, and therefore must not be made a pattern for other times. Under the second I shall consider such Pleas as would make a shew of proof, that there is such a difference between the *Gospel state*, and the *Mosaical dispensation* in this particular, that thereupon Princes are not capable now, of the like Soveraignty, which they then enjoyed. 1. 2.

2. With respect to the former head, first *Bellarmine* will have *David*, *Salomon* and *Josiah*, to have acted in matters of Religion, as *Prophets*, not as *Kings*; and Bellarm. de Rom. Pont. l. 1. c. 7.

if

B. 1. C. 2. *They governed as Kings, not as Prophets, in things Eccleſiaſtical.*

if this ſpeak to the purpoſe, the like muſt be ſuppoſed concerning all other Kings, who commanded about Religion. And yet the Scriptures expreſly call theſe orders, the *commandment of the King*, 2 *Chr.* 29. 24. *ch.* 30. 6. *ch.* 31. 13. *ch.* 35. 10, 16. and elſewhere; and ſometimes, *the commandment of the King, and his Princes*, 2 *Chr.* 29. 30. *ch.* 30. 12. Nor is there any pretence, for affixing the *prophetical office*, unto all the Kings of *Judah*, who gave commands about Religion, it being certain that neither *Jehoſaphat*, *Hezekiah*, *Joſiah*, nor divers others of them, were themſelves *Prophets*, but did as occaſion required, conſult others as the Prophets of God. And this is ſo far acknowledged by *P. de Marca*, that thereupon he juſtly rejecteth this Plea as inſufficient, though he confeſſeth it to be uſual.

De Concordia Sa. & Imp. l. 2. c. 4. n. 5.

They had no extraordinary Commiſſion herein. V. Biſhop Bilſon *of Chriſtian ſubj.* Par. 2. p. 198.

3. But others ſay, the Kings of the Family of *Iſrael* might do what they did warrantably concerning Religion, by a *ſpecial command of God*, made known by a Prophet, and this might make their undertaking herein neceſſary. Now that Prophets did *adviſe*, and direct in ſome of theſe caſes is granted, but ſtill the authority which eſtabliſhed ſuch directions, by a publick Sanction, was the *royal power*.

But

But if any pretend, that the Kings received their authority herein, by an *extraordinary commiſſion* from a Prophet, he ought to give proof of this, which he can never do; but that there can be no place for any ſuch conjecture, will appear, becauſe 1. It is not likely that Gods Prophets ſhould conſtantly require the Kings, to intermeddle in any thing, that was ordinarily unſuitable for their office to undertake: and it is alſo injurious to the wiſdom of God to think, that he ſhould make the care of Religion, the duty of all the Kings of the ſtock of *David*, only by an *extraordinary meſſage* to every one of them. 2. It is manifeſt that many things concerning Religion, were well undertaken by the Kings of *Judah*, without ſo much as the ſpecial direction of a Prophet. Such were *Davids* firſt intentions to build a temple, which God approved, *Hezekiahs* order for the general Paſsover in the ſecond month, which is declared to be done, by the conſultation *of the King and his Princes*, 2 *Chr.* 30. 2. and *Joſiah's* reformation was in a good meaſure effected, before he adviſed with the Propheteſs *Huldah.* Sect. 2.

4. But there is another Plea made uſe of by *Cunæus*, and another learned man who evidently followeth him. They aſſert the

Cun. de Rep. Hebr. l. 1. c. 14. Marca de Conc. l. 2. c. 4. n. 4, 5.

B.1.C.2. the *right of Kings* under the Old Testament, to intermeddle in matters Ecclesiastical; and that they had then such a *supereminent authority*, that according to *Maimonides*, even the High Priest was to *stand* in the Kings presence, and that no other person (no not the Priest) might *sit* within the *court of the temple*, save only the King. And all this they found upon the vertue of the *holy Unction*, or his being *anointed* with the holy Oil; hence *P. de Marca* asserteth, that he acted *Privilegio Regii Sacerdotii*; as having obtained by his Unction, *the priviledge of a royal Priesthood*, aud hereupon *Cunæus* thinketh, that *David* might wear the Priestly *Ephod*, and thereby consult the *Urim* and *Thummim*. But this also is a very weak pretence, partly because the *royal anointing*, was only designed to be the anointing such a person *to be King*, as is expressed, 1 *Sam.* 15. 1. 2 *Sam.* 3. 39. 1 *Kin.* 1. 34. and in many other places; and partly because such an *anointed King* had no right to perform the *Priestly actions*, as is plain from the great guilt of *Saul* in sacrificing. And much less could this give him any Ecclesiastical, or sacerdotal superiority, over the *High Priest* himself, since every successive High Priest was to be *anointed* with this *holy oyl*, whilest most of

Their authority not from any sacerdotal Unction.

Ibid. c. 6. n. 6.

Cun. ibid.

of the Kings even of the Family of *David*, were probably not at all anointed, as I ſhall obſerve in another place; and whether that *holy oyl* of the Tabernacle, was made uſe of in the uſual anointing of the King, though it be aſſerted by the Jewiſh Writers, as *Shickard* hath obſerved, may yet poſſibly admit of a further enquiry. Sect. 2. Abarb. de Unctione in Exod. 30. Schick. de Jur. Reg. c. 1. Theor. 4.

5. And I muſt further obſerve, that there was not any *particular law of God*, under the Old Teſtament, as ſome would pretend, which gave any ſpecial authority to their Kings in matters Eccleſiaſtical, and therefore they proceeded only upon the general and *common right*, which chief Governours of a Realm have, even concerning thoſe things; ſince in his office he undertakes, ἰδιωτικῶν καὶ δημοσίων καὶ ἱερῶν ἐπιμέλειαν, *the care and overſight of private, publick and ſacred things*, as *Philo* expreſſeth it. Indeed the Iſraelites had particular *laws*, which inflicted the puniſhment of death upon *Idolatry*, *Witchcraft*, *blaſphemy*, and other ſuch like vices, *Ex.* 22. 18, 20. *Levit.* 24. 15, 16. *Deut.* 17. 2--5. but it could no otherwiſe belong to *the King*, to execute theſe laws, than as a judiciary authority in theſe caſes, was included in his general royal power. Had all *matters of Religion* been in their own nature *Or any ſpecial law of* Moſes. De Creatione Principis. Mr. Thorndike *Right of the Church*. ch. 1. p. 10.

B. 1. C. 2. nature reſerved, and exempted from the royal Government; it would then have belonged, to the *Juriſdiction of Eccleſiaſtical perſons* only, to have executed thoſe laws; eſpecially ſince the puniſhment of *death*, was ſometimes inflicted by *Prophets*, 1 *Sam.* 15. 33. 1 *Kin.* 18. 40. 2 *Kin.* 1. 10, 12. And that the death of a Malefactor, was ſometimes the iſſue of the *ſentence of the Prieſt*, is intimated in *Deut.* 17. 12. and ſeemeth alſo obſerved by *Clemens Romanus*. And with an eye to the declining ſtate of the Jewiſh Government, under the *Maccabees* and downwards, when the chief execution of all laws, was in the hands of the Prieſt, *Joſephus* frameth his deſcription, of the conſtitution of the Jewiſh Common-wealth, as committing the *chief ſecular power* to the *Prieſts*, and making them both δικασὰς, and κολασὰς, *the judges* of all caſes, and the *puniſhers* of all offenders. But it is manifeſt, that whileſt the *royal authority* flouriſhed, the *laws* againſt Witchcraft, Idolatry, and ſuch like vices, were put in *execution* thereby, 1 *Sam.* 28. 9. 2 *Kin.* 23. 24. 2 *Chron.* 34. 4, 5.

Epiſt. ad Cor. p. 54.

Joſeph. cont. Apion. l. 2.

6. And there is no particular *conſtitution* in all the law of *Moſes*, which doth aſſert any *ſingular ſupremacy* (more than what is generally included in the Regal authority)

authority) of the Kings of the Children of *Iſrael*, over their *Prieſts*, and in the *temple*, and about the *worſhip of God*. Indeed *Cunæus* doth offer an inſtance, of a particular *poſitive law* of *Moſes*, to this purpoſe, *Deut.* 17. 18, 19, 20. where God required, that the *King ſhould write a copy of the law, and that this ſhould be with him, and that he ſhould read therein, all the days of his life, that he might fear the Lord, to keep all the words of this law, and theſe ſtatutes to do them.* But there is nothing in this law, which makes the care of *Religion*, more the duty of the *Hebrew Kings* than of the *Chriſtian*; ſince theſe alſo, are to acquaint themſelves with the doctrines of Chriſtianity, to fear God, and to do his will, but neither of them might exerciſe that *ſpiritual power*, which belongeth to the diſtinct Officers of the Church. It may indeed be ſaid, that Kings cannot rightly *fear and ſerve God*, unleſs they make uſe of their authority to promote Religious piety, even in all ſorts of their ſubjects, and this was truly aſſerted by S. *Auſtin*; but then this can be of no peculiar concernment, to the Kings of the Old Teſtament, but will equally extend it ſelf to thoſe who live under Chriſtianity. Sect. 2. Cun. ubi ſupra. Aug. Ep. 50.

7. I ſhall now ſhew, that whatſoever is

2. B. 1. C. 2. *Reverence to Princes more fully required in the Gospel, than in the Law.*

pretended from the peculiar *state of the Gospel*, to debar *Christian Kings* from that authority, which certainly did belong to the royal Government, under the Old Testament, is of no force. And this will easily be admitted by them who consider, that the Precepts for *honouring the King*, being *subject to the higher Powers*, and *submitting our selves to the King as supreme*, are more plainly expressed, and universally enjoined, under the New Testament, than ever they were under the Old. But that there is any direct *prohibition* in the Gospel, against the soveraignty of the Royal power, in matters of the *Church*, is not so much as pretended; and that the doctrine of Christianity doth *assert* this authority, shall be hereafter shewed.

8. A learned man of our own Kingdom, who owneth the Soveraign power of Kings in matters of Religion, and alloweth the consequence hereof in general, from the government of the Jewish Church; doth seem to deny that the *same right* in matters of *Religion*, may be claimed by the Christian Kings, which was exercised by the Jewish. Now that which is here demanded, is, that the general power of *Ecclesiastical supremacy*, is under both dispensations the same, in *enjoining* the observation of the divine laws, in *establish-*

Right of the Church. Ch. 1. p. 8. *Epilogue.* B. 1. ch. 19. & B. 3. Ch. 33.

2. *ing*

ing matters of expediency, for order ſake, and in *puniſhing* tranſgreſſors. But as to the *particular ſubject matter* of this authority, which cannot poſſibly be the ſame, in *Judaiſme* and *Chriſtianity*, there muſt of neceſſity appear a difference, in the exerciſe of this ſupreme authority; many things being allowable under the law, which are not ſo under the Goſpel. But it is here further pleaded, that the Kings under the Law, might be further *intereſted in Eccleſiaſtical affairs*, than the Goſpel will admit, becauſe the *Church and ſtate* were not ſo much diſtinguiſhed, under the legal Oeconomy, as under the Evangelical; the *Moſaical law* being the foundation and rule, both of the *Jewiſh Church*, and of the *political government*. But in truth, the proper fixed *Kingly authority* in the Family of *Iſrael*, was not ſo much *eſtabliſhed*, as only *allowed* by the Moſaical law; and though there was a true royal power in *Moſes*, and in the Judges, yet this was not fixed and determined to be the conſtant Government, by a particular law. And the *Prieſthood* under the law, was as fully diſtinct from the civil power, as the *Church government* under the Goſpel is; neither of them deriving themſelves from the civil, nor reſolving themſelves into it. But in both theſe diſpenſations, as

Sect. 2. 3. *The difference of Judaiſm and Chriſtianity conſidered, with reſpect to ſupremacy.*

P. 1. C. 2. the *Eccleſiaſtical* government was *appointed* by them, ſo was the *civil* alſo in general *eſtabliſhed*; yet ſo that the foundation which it hath in the laws of nature, is antecedent unto both. And if there be any difference, as to *ſubjection* of *things and perſons Eccleſiaſtical* unto Princes, it might ſeem plauſible, which yet is not to be inſiſted upon, that the Jewiſh Prieſthood might the rather pretend *exemption*, 11. from the royal power, as being eſtabliſhed before the fixed royal line.

Epiſ. B. 1. Ch. 20. *Right of the Church.* ubi ſupra.

9. It is alſo urged and muſt be granted, that the Chriſtian Church is of a *larger extent*, than the limits of any ſingle *temporal ſoveraign*, whereas the Jewiſh Church and State were one and the ſame body, except the caſe of ſome Proſelytes, ſuch as *Naaman* was, among the Gentiles. And from hence it is to be acknowledged, that by the determination of *Catholick Councils*, or by the univerſal *practice* of *Chriſtians* abroad, any particular Chriſtian Kingdom, and the Soveraign thereof, may be obliged to entertain and eſtabliſh, ſome things otherwiſe indifferent, in a compliance with theſe generally received *uſages*, and thereby with reſpect to the *peace, unity, and honour* of the *Chriſtian Church*. Of this nature are ſome things relating to Canonical *ordinations*, the ſolemnizing

of

of *marriage*, the obſervation of the *Church* Sect. 2.
feſtivals, and the rules for *communicating* with other parts of the Chriſtian Church. Indeed no ſuch rule as this could have any force in the Jewiſh Church, but yet this conſideration cannot hinder, either the *extent* or *exerciſe* of the Princes authority, in the Chriſtian Church, unleſs this power had conſiſted in a liberty to lay aſide all rules, in *matters adiaphorous* relating to Religion, beſides his own pleaſure. Whereas it doth conſiſt in ſuch a *right*, as cannot be reſtrained or annulled, by any power upon earth, to eſtabliſh by civil ſanctions, what is *uſeful* about *Religion*. And his being obliged in Conſcience, to admit and embrace ſuch particular things, as conduce to the *Unity* or *welfare* of the Chriſtian Church, which is a duty every Chriſtian oweth unto God; is no more prejudicial to his ſupremacy of Government in this very caſe, than a private mans being bound to admit, what *general cuſtom* hath made a part of *decency* and civility, is prejudicial to, or inconſiſtent with, his right and power of governing and commanding his own actions.

10. Wherefore it remains, that the ſupremacy of Chriſtian Princes, notwithſtanding theſe things objected, is the ſame *in ſubſtance*, with the Supremacy of the

B. 1. C. 2. Kings of *Judah*, in matters of Religion: but in ſome *particularities*, there muſt be a difference in the way of its exerciſe. And this may poſſibly be all that Mr *Thorndike* intended, who expreſſing a *difference* in this matter, between the ſtate of the law and the Goſpel, referreth this ſometimes [a] to the conſideration of the *Churches Unity*, or elſe [b] as *a ſtop to Eraſtus*. Yet he plainly aſſerteth, from the conſideration that the Apocalypſe foretelleth the converſion of the Empire to Chriſtianity, [c] that *it cannot be doubted, that Chriſtian powers attain the ſame right in matters of Religion, which the Kings of Gods ancient people always had, by the making Chriſtianity the Religion of the State.* And he alſo admits [d] *the ſame power in matters Eccleſiaſtical*, both in the Chriſtian ſtate and in the Jewiſh, to flow *from the nature of Soveraign power*, and the neceſſary duty of this power being *employed to advance Religion.*

[a] *Right of the Church.* Ch. 1. p. 2. 11.
[b] *Review.* Ch. 1. p. 11.
[c] *Review.* p. 15.
[d] *Right of the Church.* Ch. 1. p. 9. 10, 11. *Review* ch. 1. p. 13, 14.

Of the Conſecration of Churches.

II. Another thing which may poſſibly deſerve ſome conſideration, is from the general uſage and practice of the Church, concerning the *dedication* and conſecration of *Churches*. Some have thought, that when *Salomons* Temple was conſecrated, the *conſecration* thereof was mainly performed by *Salomon* himſelf, who was the King:

King: this is urged by the *Leviathan*, and some men of learning, seem to favour this notion, speaking of him, *Ipse dedicationis præcipuas obivit partes*; that *he himself discharged the chief part of the dedication.* But the general practice of the Christian Church, hath been (so far as any account thereof can be discovered) to have their *Churches dedicated*, not by Princes undertaking to celebrate that solemnity, but by the *Bishops of the Church.* And this is not only manifest from *divers Canons* mentioned by *Gratian*, and from the Epistles of *Leo*; but the practice of the Church herein is evident, in the time of *Constantine* the Great. For there is a particular account given by *Eusebius*, in the life of *Constantine*, of the *dedication* of a famous Church in *Jerusalem*; to which he telleth us divers Bishops were assembled, and did bear their parts in that solemnity. And the same author acquainteth us, that in his reign, there were in divers Cities, τῶν ἄρτι νεοπαγῶν προσευκτηρίων ἀφιερώσεις, ἐπισκόπων τε ἐπὶ ταυτὸ συνελεύσεις, *consecrations of those places of divine worship, which were then lately built, and the meeting of Bishops to that end.*

Sect. 2. *Leviath.* Ch. 40. Hospin. de Templ. l. 4. c. 2.

C. 1. q. 2. c. placuit, & de Consecrat. dist. 1. Leon. Ep. 88. ad Germ. & Gal. Episcop. De Vit. Const. l. 4. c. 40, 43, 44.

Eus. Hist. Eccl. l. 10. c. 3.

12. But that this seeming difficulty may be cleared, it may be observed that there were three sort of things done, at the *con-*

B. 1. C. 2. *ſecration* of the *temple* at *Jeruſalem*. 1. *Salomon* whom God had choſen to build his Houſe, when he had finiſhed it, yieldeth up his *right* and *preſenteth* it to *God*, and by Prayer deſireth Gods acceptance, and that it might be uſeful to the deſigned end, and the good of *Iſrael*. And thus much might be done by a *private perſon*, who *dedicated* an offering unto God, though he was in no ſecular or ſacerdotal office; as we have the like example and practice in the Prayer thoſe perſons were to make, who preſented their firſt-fruits, and the third years tith, *Deut.* 26. 3--10, 12--15. and this might be more fitly done by *Solomon*, becauſe he was an *inſpired perſon*. And *Solomon* alſo as *King* commanded a great feſtivity, and a joyful ſolemnity to be then obſerved; and the like did *Conſtantine* at *Jeruſalem*, at the time abovementioned. 2. There was the *acceptance* of this *temple*, and taking poſſeſſion thereof in Gods name and for his ſervice, and the ſetting it apart thereto, upon account of Gods authority, by them who were his Officers in the Church; and this was then to be done by the *Prieſts*, to whoſe office it did belong, to *ſanctify the moſt holy things*, 1 *Chr.* 23. 13. And this was partly done, by their bringing in the *Ark*, and other *holy things* into the temple,

Euſ. de Vit. Conſt. ubi ſup.

2 *Chr.*

2 *Chr.* 5. 5, 7. and partly by the *ſolemn ſacrifices* which they offered, whereby the *temple* is ſaid to be dedicated, 1 *Kin.* 8. 63. as the *tabernacle* was puriſied or dedicated, by the blood of the Sacrifices, as both the Apoſtle, *Heb.* 9. 21, 22, 23. and *Joſephus* do declare. 3. Here was *Gods owning* this his *poſſeſſion*, and his Houſe and Temple, and this was done by the *glory of God filling the houſe*, immediately upon the Ark being brought into it; 1 *Kin.* 8. 10, 11. and by the *fire coming down from heaven*, upon the Sacrifices, 2 *Chr.* 7. 1, 2, 3. as had been before done, at the *dedication* of the *tabernacle*: and hence God declared, that *he hallowed this houſe*, 1 *Kin.* 9. 3, 7. And all theſe things, which were not performed by *Salomon*, were the *chief parts* of the *dedication*; and therefore this inſtance from *Salomon*, will not prove Princes to have had any peculiar Eccleſiaſtical authority, in the *Jewiſh Church*, above what they may enjoy in the Chriſtian. Sect. 2. Joſ. Ant. Jud. l. 3. c. 10.

13. In the laſt place I ſhall conſider the ſuggeſtion of Cardinal *Bellarmine*, that the Church in the time of the Old Teſtament, might be under the temporal Government, becauſe it then was more *external*, and enjoyed *temporal promiſes* chiefly, whereas it is otherwiſe under the New Teſtament. Bellarm. de Rom. Pont. l. 2. c. 29.

B.1.C.2. Teſtament. Now though it is hard to diſcern, any ſtrength or force, in this way of diſcourſing; eſpecially becauſe all Religion as ſuch, hath a reſpect to *God*, and to things *ſpiritual*, and alſo becauſe Kings under the Old Teſtament were not Governours of the *promiſes*, which God made to his Church for the future, but of its *preſent polity*: yet I ſhall return hereto theſe conſiderations, which I ſuppoſe will be ſufficient. 1. That thoſe things of the *Goſpel* which are of a *pure ſpiritual nature*, as the diſpenſing heavenly grace and pardon of ſin, the taking men into an inward relation unto God and Chriſt, and the beſtowing on them eternal life, ſo far as theſe things are conſidered ſeparately and diſtinctly, from all viſible and external diſpenſations, are not claimed to be under the *government* of any *civil power*, and this is all that his conſideration can amount unto. 2. That the *perſons* admitted into the Chriſtian Church, and the *Officers* thereof, have ſtill under the Goſpel *viſible* beings; and their actions of life, their publick ſervice and profeſſion, with ſeveral divine inſtitutions, and other things relating to the order of the Church, are ſtill *things external*, and therefore capable of being under the inſpection of authority, which is managed by men concerning things viſible and external.

CHAP.

CHAP. III.

No Synedrial power *among the Jews, was ſuperiour or equal to the* Regal.

SECT. I.

The exorbitant power claimed to the Jewiſh Sanhedrim *reflected on, with a refutation of its pretended ſuperiority over the King himſelf.*

1. THere are divers both Jewiſh and Chriſtian Writers, and ſome of them men of great worth, who entertain a notion, which if it were true, would evacuate the force of the argument, made uſe of in the former Chapter. Even *Grotius* will not allow the Government over the Houſe of *Iſrael*, to have been perfectly *Monarchical:* and *Schickard* aſſerteth it to have been *mixtly Ariſtocratical*, and theſe with divers other perſons, aſſert the *Royal Government* of the Family of *Jacob*, to be under the *Synedrial authority*. Now if what I ſhall ſay in oppoſition hereto, may ſeem over-long and tedious to ſome Readers, I hope the uſefulneſs thereof for *vindicating* royal authority, and diſcovering

De J. B. & P. l. 1. c. 3. n. 20. Sch. de Jur. Reg. Hebr. c. 1. Theor. 2.

Dangerous and falſe pretences of the Synedrial power being chief.

B. 1. C. 3. vering uſual and conſiderable miſtakes, will be a ſufficient Apology. And although the *rights* of Chriſtian Princes, do not directly depend upon the political conſtitution of the Jews, or the Family of *Jacob*, but are founded in the laws of *nature*, of *nations*, and of *Chriſtianity:* yet it is in general a great advantage and honour to the *royal government*, that *God* himſelf eſtabliſhed a pattern thereof, in the Houſe of *David*, as well as the authority of the civil power about matters of *Religion*, may be hence alſo inferred. And both *Romiſh* Writers and others of an *Antimonarchical* ſtrain, or as *Salmaſius* calleth them, *Hildebrandinæ & Enthuſiaſticæ doctrinæ auctores*; in managing their deſigns, have frequent recourſe to this Plea of the Jewiſh *Synedrial power*, againſt the right of Kings.

Salm. Defen. Reg. c. 2. p. 49.

Annal. Eccleſ. an. 57. n. 36.

2. Thus *Baronius* declareth, *Apud Hebræos Lex divinitùs data monſtravit*, &c. *The law which God gave the Hebrews, did ſhew, that the chief government was to be in the hands of Prieſts, and although they at length began to have Kings, yet* (ſaith he) *even thoſe Kings were ſubject to the High Prieſt, who as he pleaſed was moderator in that great Council of* 72. *Elders, which was called the* Sanhedrin, *whoſe office and charge it*

was

was to judge concerning the law, concerning the King, *and concerning a Prophet.* In which words, beſides other miſtakes, he aſſerteth as that which would beſt ſerve the intereſt of his party, that the *Sanhedrim* was a Court governed by the *High Prieſt*, whereas according to the conſtant deſcription of the Jewiſh Writers, the High Prieſt was neither ordinarily preſident thereof, nor neceſſarily a member of it, though at ſome times he might be both. Sect. 1. V. Seld. de Syne. l. 2. c. 15. n. 14.

3. And for an inſtance of the latter ſort of men, who are for *popular ſupremacy*, *Junius Brutus* maketh uſe of this argument, *Synedrium Hieroſolymitanum*, &c. *The Sanhedrim of* Jeruſalem, *ſeemeth to have been of ſo great authority, that they could judge the* King, *in like manner as the King could judge other perſons.* And not long after he ſaith, *In this Kingdom there were Officers of the Realm, rege ſuperiores, I ſay* (ſaith he) *in this Kingdom, which was eſtabliſhed and ordained, not by* Plato, *or* Ariſtotle, *but by* God *himſelf, the ſupreme founder of all Monarchy.* Vindic. contra Tyran. Qu. 3. p. 56.

4. And it is very manifeſt, that the greater part of the *Jewiſh Rabbinical Writers*, and from them divers *Chriſtians*, ſome of them ſo judicious, that it is ſtrange they ſhould be ſo much impoſed upon, by *The pretended power of the Sanhedrin.*

Fables

B.1.C.3. Fables and Romances, do aſſert that the *Sanhedrim*, or Senate of ſeventy one perſons, had ſuch a power over the *Kings of Judah*, as to call them to account, and puniſh them. And they alſo aſſert, that according to the original eſtabliſhment, of the Jewiſh laws and polity, the chief *cauſes of moment*, both of an Eccleſiaſtical and civil nature, were exempt from the *Kings juriſdiction*, and reſerved to the *Synedrial cogniſance*. To this purpoſe *Grotius* declareth, *aliqua judicia arbitror regibus adempta, I think there were ſome caſes of judgment reſerved from the King, which remained in the Sanhedrim of ſeventy men* (*i. e.* beſides the *Naſi* or preſident) *Schickard* goes farther, and ſayes, *ſine ſenatus magni aſſenſu, Rex in gravioribus cauſis nihil poterat decernere*; that *the King could determine nothing in the more weighty matters, without the aſſent of this great Senate.* And our Author *de Synedriis*, among other things, diſcourſes *de Judiciis adeo Synedrio magno propriis, ut nec à Regibus aut impediri, aut ad tribunal ſnum vocari jure potuerunt*; in which words he fetters and confines the Kings power, but that of the Sanhedrim is ſet at large.

Grot. & Schick. ubi ſupra.

DeSynedr. l. 3. c. 9. n. 1.

Carpzov. in Schick. c.2. p.142.

5. But it may be a ſufficient *prejudice* againſt theſe poſitions, that they have no better

better a foundation, than a tradition delivered by ſome of the *Jewiſh Rabbins*, againſt the evidence of whoſe teſtimony in this particular, there lie theſe exceptions. Sect. 1. *This a fabulous tradition of the Rabbins.*

1. That none of thoſe perſons who aſſert this *Synedrial power*, were *contemporary* with the flouriſhing of royal authority, before the captivity; but all of them lived near or fully a *thouſand* years, and many of them above *fifteen hundred* years after that time, and therefore can give no teſtimony upon their own knowledge; and writing one from another, with a zeal for all *traditions* any of their wiſe men have delivered, the number of them who are produced, can add nothing to their teſtimony. But both *divine* and *humane writers*, who are of an ancienter date, do ſufficiently contradict this poſition, as I hope to make plain. He therefore who can believe, that the Apoſtolical form of Church Government was by *Lay-elders*, becauſe divers of late, but neither Scripture nor ancient Writers do aſſert it; and he who can perſwade himſelf, that our Saviour made the Biſhop of *Rome*, the *Univerſal Monarch* of the whole World, and gave him a plenitude of all *temporal* and *ſpiritual power*; becauſe many Writers of that Communion do now aſſert this, while what is inconſiſtent therewith was declared

B.1.C.3. red by *Chriſt*, his Apoſtles, and the ancient Chriſtian Church; ſuch men have underſtandings of a fit ſize and ſutable diſpoſition, to receive theſe *Rabbinical traditions*, concerning the *Synedrial* authority and *Supremacy*; which are alſo things fit for their purpoſe.

Gemar. Sanhed. Cocc. c. 2. Sect. 10. 6. Secondly, It is evident, that the Rabbins out of *affection* to their own Nation, were forward to *extol* it, even beyond the bounds of truth, of which that prodigious inſtance may be given in the *Talmud*, of the number of the Horſes for *Salomons* own Stables, which are there brought up to an *hundred and ſixty millions*, accounting a thouſand thouſand to a Million. Now the great *Sanhedrim* was the chief *Jewiſh conſiſtory*, for a conſiderable time, before the reign of *Ariſtobulus*, and under the Roman Government, and ſome continuance thereof remained, towards five hundred years after the deſtruction of *Jeruſalem*, as their Chronicle informs us, which was till about the time of ſome of thoſe Rabbinical Writers. And it is very probable, that the preſſures and ſufferings, which the Jews ſuſtained under the *Roman Emperours*, or Kings, might prejudice them againſt Monarchical Government.

Sed. Olam Zut. in fin.

7. Thirdly, There are other *Rabbinical*

cal and *Talmudical* Writers of good note, who will by no means be perſwaded to embrace this tradition, which *diſparageth* the Royal power. To this purpoſe the words of the *Jeruſalem Gemara*, and of *R. Jeremias* mentioned in *Dabarim Rabba*, and others, are cited by Mr *Selden*, and the teſtimony of *Barnachmoni* by *Grotius*, who aſſert, that *no mortal man* hath any power of *judging the King*. And that the higheſt authority is in the King, who ſtandeth in Gods place, is aſſerted by R. *Abarbanel*, whoſe words are in *Carpzov*. Sect. 1. Seld. de Syn. l. 2. c. 16. n. 4. p. 666. DeSynedr. l. 3. c. 9. n. 3. Grot. de J. B. & P. l. 1. c. 3. n. 20. Carpzov. in Schick. p. 165.

8. But becauſe a due examination of theſe pretences may be of good uſe, I ſhall firſt particularly reflect upon that ſtrange power, which theſe Writers give to the *Sanhedrim*, over the *perſon* of the *King*. They deal with the royal authority, as the Jews did with our Saviour, who gave him the *title* of *the King of the Jews*, but yet ſcourged him, and treated him with great indignity. For theſe Writers do aſſert, that the King might be *ſcourged* by the *Sanhedrim*; only by the *great Sanhedrim* at *Jernſalem*, ſaith *Schickard*, and he acknowledgeth, that even this appeared to him, *valde paradoxum*, a thing far from truth, and very unlikely, until his own apprehenſions were moulded into *Their pretended power over the perſon of the King refuted.* De Jur. Reg. c. 2. Theor. 7.

B. 1 C. 3 De Syn. l. 2. c. 9. n. 5. a complyance with the Jewiſh Writers. But Mr *Selden* addeth, that according to the teſtimony of the Rabbins, he might be ſcourged by the *leſſer Sanhedrim* of twenty three, which was the Government of every particular City. And among the 168. Caſes puniſhed by ſcourging, enumerated by *Maimonides*, and mentioned from him by *Selden*, the three laſt are; *if the King multiply Wives, if he multiply Horſes, and if he multiply ſilver and gold.* Now theſe things are ſo ſtrange in themſelves, reducing the King to the ſame circumſtances, with every common and petty offender, that how this can conſiſt with the *majeſty* and *ſoveraignty* of a Prince, is utterly unconceiveable: and he who can entertain ſuch dreams and fancies, muſt alſo perſwade himſelf to believe, againſt the plaineſt evidence, that *David* and thoſe who ſat upon his throne, were not *Kings* and *chief rulers* in the Kingdom of *Iſrael* and *Judah*, but were all of them *ſubjects*, under the common and ordinary government, and authority of that Commonwealth.

Ibid. c. 13. n. 8.

Schickard de Jur. Reg. ubi ſup. 9. And this abſurd aſſertion, hath put thoſe Chriſtian Writers who cloſe with it, upon *unreaſonable ſhifts*, for the defence thereof. And for the *reconciling* this with the *dignity* of a King, many of them make this

this their laſt refuge, that this *ſcourging* amongſt the Jews, was without any note of *infamy* or diſgrace; and was voluntarily to be ſubmitted to by their Kings, as an act of penance, and not of force. But this anſwer ſtands chargeable with a two-fold miſcarriage. 1. With a *contradiction* to the deſign of them who urge it, and a giving up their cauſe: for if there be nothing in it of *diſgrace*, it cannot be *inflicted* as a *cenſure*, and the publick puniſhment of a fault; and if it be undertaken only of *voluntary choice* and not of force, then is it not the reſult of the *ſentence* of a ſuperiour Synedrial authority. 2. This would alſo conclude, that many conſiderable offenders, who were to be puniſhed with ſcourging (as by the cuſtom of the Jews, according to the caſes mentioned by *Maimonides*, he that *curſeth* his neighbour in the name of *Jehovah*, he that is guilty of *perjury*, and he that commits *whoredome*; and by the law of God the unfree woman who played the *whore*, being betrothed, *Lev.* 19. 20.) were free from all *penalty* and diſgrace, though the divine law, *Deut.* 25. 3. peculiarly mentions this puniſhment as infamous. Wherefore theſe traditions are ſo abſurd, that *Petitus* juſtly affirmed, *iſtam πολιτείαν animo tantum conceperunt, nulli principes*

Sect. 1. Grot. de Jur. Bel. & pac. ubi ſup.

Maimon. 134, 135, 156.

Petit. Diatribe de Jure pr. c. 2.

B.1.C.3 *eo jure regnarunt*; *that no King of* Judah with this manacled authority, ever reigned any where elſe but in the fancies and pens of theſe Jewiſh Writers, and their followers.

10. Now a poſition ſo ſtrange in it ſelf, and which puts men of learning upon ſuch difficult ſervice, and hard ſhifts to bear it up, had need bring with it very *clear evidence*, if it expect to be entertained. But in this caſe, Mr *Selden* who is forward enough to embrace the notions of the *Rabbins*, after he had repreſented what is uſually ſaid, was ſo far in doubt of the truth, that he ſaith, *hac in re nihil omnino definimus.* And *Schickard* who largely aſſerteth this *ſynedrial power*, confeſſeth that he could not meet with any one inſtance, of its having ever been reduced to practice. And thoſe who have ventured, either at *inſtances* or *arguments*, have greatly miſcarried therein.

Seld. de Syn. l. 3. c. 9. n. 2.

Schick. ubi ſup.

11. Two *inſtances* by ſome have been produced, only to ſhew that *Kings* have been cited before the *Jewiſh Sanhedrim*. The one of *Herod the King*, mentioned by *Baronius*: but it is ſtrange to ſee, how pitifully he miſtakes the caſe, or elſe impoſeth upon his Reader. For it is plain from *Joſephus*, whence he hath this ſtory, that *Herod* was then *no King* of *Judea*, nor

An. 31. n. 1.

was

was he cited by the *Sanhedrim*, but by *Hyrcanus*, who was then King by the Roman authority. And it is much that the Cardinal ſhould not conſider, that if *Herod* after he was King of *Judea* by the *Roman* right, was under the Juriſdiction of the ſtanding *Jewiſh Synedrial* authority, the conſequence muſt be, that the *Jews* then were Governours over the *Romans* and their power, but were in no ſubjection to them; which, beſides the credit of Hiſtory herein concerned, he who acknowledgeth *Chriſt crucified*, cannot admit. Sect. 1. Ant. Jud. l. 14. c. 17.

12. Another *inſtance* is mentioned of *Jannæus* the King, who is ſaid to have been cited by the *Sanhedrim*, upon account of a ſervant of his being charged with murder. This inſtance in his ſecond thoughts, *Schickard* preferreth to the former. Now if this had been true concerning *Jannæus*, it would be of no great moment, ſince he lived under the lapſed ſtate of the Jews, and had the name, but not the authority and dignity of a *King*. But this ſtory is manifeſtly fictitious, is ſtiled by *Salmaſius nugæ & fabulæ Rabbinicæ*, is not at all mentioned by *Joſephus*, or any good Hiſtorian, and alſo brings in the *Angel Gabriel* to bear a part in it, by coming then into the Senate, and deſtroying all the aſſeſſors thereof. And this ſto- Schick. append. in Carpzov. p. 152, 153. Defenſ. Reg. c. 2. p. 45.

B. 1. C. 3. ry is taken out of the *Gemara*, where the
Gemar. in Sanhed. c. 2. Sect. 1. whole Section is evidently vain and frivolous, as amongſt other things may appear, from the way of its arguing in this matter, which I ſhall preſently take notice of. Beſides this I ſhall add, that ſo much as hath any truth in this relation, is very probably a kind of fabulous repreſentation of the former inſtance of *Herod*, under different names and circumſtances. For both of them are ſaid to be cited, upon occaſion of ſome perſons being put to death, both the ſtories ſay, that upon their appearance the whole Court, (whether properly the *Sanhedrim*, or *Hyrcanus his Judges* called by *Joſephus* συνέδριον) ſpake not a word againſt them, ſave only one bold man, and that thereupon all the reſt beſides this man were after put to death. And this man is called *Sameas* or *Shammai*, in the one ſtory, and *Simeon* in the other, which I conceive to be one and the ſame name in a
Grot. in Mat. 16. 17. different Dialect; even as *Johannes*, *Johanan* and *Jonah* in likelyhood are, the
Druſ. Præt. in Joh. 21. 15. vulgar latin expreſſing *Jonas* by *Johannes*,
Hor. Hebr. in Joh. 11. 1. & in Luk. 16. 20. *Joh.* 21. 15. And ſo are *Lazarus* and *Eleazar*, and many others, whence the Ethiopick Verſion inſtead of *Lazarus*, conſtantly uſeth *Eleazar*, *Luk.* 16. and *Joh.* 11. and that they are one and the ſame name, hath been clearly evinced. To which

which I add, ſubmitting theſe conjectures to the judgments of others, that the name of *Jannæus* or *Jannas*, might poſſibly be made uſe of, in this *Talmudical* relation, from the ſignification of the word ינה both in the Hebrew and Chaldee, for one *injurious* and oppreſſive. Sect. 1.

13. How extream vainly they *argue* in this particular, will appear from that noted inſtance of the *Talmud*. The *Miſhneh* had declared, that *the King neither judgeth, nor is judged*, which it manifeſtly expreſſeth concerning the Kings of the line of *David*; nor doth it intend to deny them the authority of *judging*, becauſe the ſame Treatiſe affirms, *capital puniſhments* by the ſword, to be inflicted by the King, but that they did not uſually in perſon ſit in any Court or Conſiſtory. But the *Gemara* here, being a Comment which contradicteth the Text, telleth us that this ſentence, *The King doth not judge nor is judged*, doth not belong to the Kings of the Houſe of *David*, for they did both judge and were judged. And the proof it produceth that they were *judged*, is from *Jer.* 21. 12. *O houſe of* David, *thus ſaith the Lord, execute judgment in the morning*, declaring hereupon, that they could not *judge*, unleſs they could be ſummoned to receive judgment from others. Which Sanh. c. 2. Sect. 2. C. 7. Sect. 3. Gemara ubi ſup.

B. 1. C. 3. is ſuch a ridiculous pretence of proof, againſt the evidence of common ſenſe, which would ſerve as well to prove *Parents* to be ſubject to their Children, *Maſters* to their ſervants, and their great *Sanhedrim* to another Conſiſtory, as to the purpoſe they produce it. And yet this teſtimony and tradition of the *Gemara*, though very irrational, is made uſe of very much, by them who depreſs the royal authority among the Jews, and advance the Synedrial.

Schick. de Jur. Reg. c. 2. Th. 7. Seld. de Syn. l. 3. c. 9. n. 2.

SECT. II.

The determination of many weighty caſes *claimed to the* Sanhedrim, *as exempt from the* royal power, *examined and refuted.*

1. The fautors of this *Synedrial* ſovereignty, who would make the regal authority to truckle under it, do under that polity, exempt the deciſion of the moſt material caſes of right, from the Kings Judicature. And they do alſo debar him of all authority to undertake *arbitrary wars*, appoint inferiour *officers* and *judges*, or to have any intereſt in enacting *laws* and conſtitutions, which *Caninius* doth roundly and plainly expreſs, telling us, that the *Sanhedrim bella decernebant,-- reſq; omnes publicas adminiſtrabant.* And ſo there

Canin. Diſquiſ. in Loc. N. Teſt. c. 7.

is

is neither *civil* nor *military* ſupreme authority, no more than *Eccleſiaſtical* reſerved for the *King*. Sect. 2.

2. But I ſhall undertake to prove, that the *eminent power* by many placed in the *Sanhedrim*, by deveſting the Jewiſh Kings thereof, was certainly not ſeated in any ſuch Synedrial power, in the flouriſhing times of the *Jewiſh Monarchy*, or before the Captivity of *Babylon*; but was fixed in their Kings, both as to caſes of judiciary *deciſion*, and of authoritative conſultation and *conſtitution*. And if either the traditions of the Jewiſh Writers mentioned in the former Section, or thoſe which I ſhall now diſcourſe of, had any good foundation, I ſhould readily then grant, the conſequence hence urged by *P. de Marca* to be true; that they do not *deſerve well* at the hands of Chriſtian Princes, who would meaſure their authority and dignity, from the exerciſe of royal power under the times of the Old Teſtament. De Conc. Sac. & Imp. l. 2. c. 5. n. ult. & Proleg. p. 25.

3. Several *judiciary caſes* claimed as peculiar to the Synedrial power, are enumerated by our Author *de Synedriis*, out of which I ſhall ſingle out thoſe three chief Caſes, which are in the firſt place mentioned by the *Talmud*, concerning *a Tribe*, *a falſe Prophet*, and the *High Prieſt*. And theſe I the rather De Syn. l. 3. c. 1. n. 1. Sanh. c. 1. n. 5.

B. 1 C. 3. De Jur. B. & P. l. 1. c. 3. ther fix upon, becauſe the learned *Grotius* made choice of theſe, as ſpecial inſtances of caſes, peculiarly belonging to that Court, and not ſubject to the King; ſaith he, *quædam cognitionum genera regi videntur non permiſſa, ut de tribu, pontifice, & propheta.* And according to the ſenſe of *Grotius*, *Selden* ſpeaks of theſe three caſes, that they are *adeo Synedrio magno propria & peculiaria, ut ne regi quidem ipſi permitterentur.* And the firſt of theſe concerneth things *temporal* of great moment, and the other two caſes *Eccleſiaſtical.*

De Syn. l. 3. c. 9. n. 1.

The judgment of a tribe.

4. This judgment concerning a *tribe*, is by ſome declared to be, when the greater part of a tribe, or the whole, becometh guilty of *Apoſtaſie* or *idolatry*. But Mr *Selden* though he acknowledgeth this to be the ſenſe of divers Jewiſh Writers, yet his opinion is, that all other caſes whatſoever concerning a tribe, were only determinable by this great *Sanhedrim*, which he thinks is not to be doubted. And the conſequence of this ſeemeth plain, that if the whole or major part of any tribe, became factious or guilty of rebellion, as moſt of them were both after *Abſalom*, and after *Sheba*, the King had then no authority to reduce them. But that theſe things are empty dreams, and wholly void of truth,

Coch. not. ad Sanh. c. 1. n. 21. Grot. de Imper. c. 11. n. 15. Seld. de Syn. l. 3. c. 4. n. 3, 4.

truth, will be manifeſt from theſe follow- Sect. 2.
ing inſtances.

5. When the *two tribes and half* deſired an inheritance on the other ſide *Jordan*, they ſpake of this to *Moſes*, *Eleazar*, and *the Princes of the Congregation*, *Num.* 32. 2. but the power of determination was in *Moſes*, who commanded *Eleazar* and the Princes concerning them, *v.* 28. and *he gave them that land*, *v.* 33. *Joſ.* 14. 3. and ſo alſo *Joſephus* declareth. The *dividing* the land of *Canaan* amongſt the other *tribes*, was of great concern to the whole tribes, and was begun by *Eleazar*, *Joſhua*, and the heads of the Children of *Iſrael*, *Joſ.* 14. 1. but by the authority of *Joſhua*, whom God appointed to *divide it*, *ch.* 13. 6, 7. and the main part of this diviſion was made, not by the *Sanhedrim of ſeventy one*, but by three men out of every tribe, *Joſ.* 18. 4, 5. who acted by *Joſhua's command*, *v.* 4, 8. and he caſt lots for their diviſions, and is ſaid to have *divided the land*, *v.* 10. and alſo in *Joſephus*. When the *two tribes and half* were ſuſpected of *apoſtaſie*, in building another Altar, *Phinehas* and ten other *Princes* with him (and not any great *Sanhedrim*) had the hearing of it, and did clear them, *Joſ.* 22. 13, 14, 30, 31, 32. In the time of *Rehoboam*, when the *tribes*

Ant. Jud. l. 4. c. 7.

Antiq. l. 5. c. 1.

of

B. 1. C. 3. *of Israel* demanded greater liberty, than they had had under *Salomon*, 1 *Kin.* 12. 1, 3, 4. here was no set *Sanhedrim*, which must determine concerning them, but the *King himself* was to resolve them, either according to the *counsel* of the *old* men, or the *young*, as himself pleased, *v.* 6.-14. And in *Hezekiahs* time, when both the two tribes under the King of *Judah*, and the ten tribes under the King of *Israel*, were fallen to *idolatry*, *Hezekiah* by his royal authority *reformed Judah*, and in his piety perswaded *Israel*; and in these cases was no appearance of a *Synedrial power*.

Of a Prophet. Cun. de Rep. Hebr. l. 1. c. 12. Seld. de Syn. l. 3. c. 6. n. 1.

6. The judgment of a *false prophet*, is frequently claimed as peculiar to the *Synedrial power*, that is, according to *Selden*, the judging him who shall speak any thing in the name of a false God, or shall speak falsly in the name of the true God. But had the tryal of a true or false *Prophet*, been peculiar to them, it is not so probable that *Asa* would have been obeyed, in committing the Seer to Prison; this being then a case *coram non judice*, and against their laws, and superiour authority. Nor is it likely, that it would be made the matter of great commendation of *Hezekiah*, that he put not *Micah the Prophet* to death, if the limit of his royal power could not extend

tend it ſelf, to the caſe of a *Prophet*, *Jer.* 26. 18, 19. See alſo *Jer.* 26. 21, 22, 23. Sect. 2.

7. Yet the learned *Grotius* and other Writers, think they have found ſome evidence, for the exemption of a Prophet from the royal power, in the words of *Zedekiah* to the Princes concerning *Jeremy*, *Jer.* 38. 5. *he is in your hands, for the King is not he that can do any thing againſt you.* But herein he follows the ſteps of *Brutus*, whoſe great miſtake was ſufficiently detected by *Barclay*. And theſe words have no other ſenſe, than that *Zedekiah* in his preſent ſtraits, muſt yield to this their deſire, as *David* was ſometimes neceſſitated unto a complyance with the Children of *Zerviah*, who he ſaith were *too ſtrong for him*. But we may wonder that ſo judicious a man, ſhould in this matter, overlook many plain expreſſions, in that very Chapter, which beyond all contradiction evince the *ſupreme authority* of King *Zedekiah*, in determining this very caſe of *Jeremy*, *v.* 4. *The Princes ſaid to the King, we beſeech thee, let this man be put to death.* And when *Zedekiah* had yielded him into their hands, and they had caſt him into the dungeon, *Ebedmelech* makes his ſuit to the *King* for *Jeremy*, and the King *orders* his being taken thence, *v.* 8, 9, 10. And the

Gr. de J. B. & P. l. 1. c. 3. n. 20. & in Jer. 26. in Jer. 28. & in Mat. 5. 22.

J. Brut. Vind. qu. 3. p. 96, 97. Barclai. adv. Antimonarch. l. 4. c. 12.

King

B. 1. C. 3. *King ſware to* Jeremy, v. 16. *I will not put thee to death, nor will I give thee into the hands of theſe men, that ſeek thy life.* And yet this one miſtaken expreſſion above mentioned, againſt the ſcope of the whole Chapter, was made uſe of alſo by *Bertram*, *Selden*, and many Engliſh Writers in our late ſad times, for the abridging of the royal power.

Bertr. de Rep. Jud. c. 11. Seld. de Syn. l. 3. c. 6. n. 4. & c. 9. n. 1.

8. The words of our Saviour are alſo urged, *Luk.* 13. 33. *It cannot be that a Prophet periſh out of Jeruſalem.* The ſenſe of which words is, that *Jeruſalem* was ſo far *degenerated*, that he who came from God, and in his name, ſhould no where meet with ſo much oppoſition, enmity, and violence, as in that place, where there ought to be the readieſt acceptance. But that our Saviour ſhould deſign, as many Writers would infer, that no Prophet could be *condemned* to dy, by any but the Jewiſh *Sanhedrim*, would alſo have been contrary to the Hiſtory of *Johns* being beheaded by *Herod*, and to what *Jeſus* had frequently foretold of himſelf, that he ſhould be *crucified*; which was a kind of death never inflicted by the *Jewiſh* law, but by the *Roman*.

Druſ. Prat. ad Luc. 13. 33. Grot. de Imp. c. 11. n. 15.

9. The judgment of the *high prieſt*, claimed as peculiar to the *Sanhedrim*, is by ſome reſtrained to *capital cauſes* only. Yet

Seld. de Syn. l. 3. c. 8. n. 1. *Of the High Prieſt.*

Yet the judgment concerning any of the *prieſthood*, whether there was any פּוֹסֵל or blemiſh, which rendred them unfit for their office, was alſo claimed to the great *Sanhedrim*. But had this caſe truly been, as is pretended, exempt from the regal power, the ſentence of *Saul* againſt *Ahimelech*, and his Sons, 1 *Sam.* 22. 13--18. muſt have been accounted null and inſignificant, being pronounced by one who had no authority over him; whereas at that time *Ahimelech* freely acknowledgeth his *ſubjection* to *Saul*, as I above obſerved. Nor can this Synedrial power conſiſt, with *Salomons* undertaking to *depoſe Abiathar*, or his declaring it as a favour that he did not *put him to death*, 1 *Kin.* 2. 26, 27. Sect. 2. Middoth. c. 5. Sect. 3. Joma. in Hor. Heb. in Nat. Chorogr. c. 31.

10. And as to the *admitting the prieſts* to miniſter in their office, this ſeemeth anciently to have belonged to the high Prieſts authority, from 1 *Sam.* 2. 36. but upon account of moral defilements, and ſome other extraordinary caſes, there are inſtances of the Prieſts being rejected from their miniſtration, by the authority of the *Prince*, and ſecular governour. And thus it was ordered by *Joſiah* concerning them who had been Prieſts of the high places, 2 *Kin.* 23. 9. and by *Nehemiah*, concerning them who could not make out their

B. 1. C. 3. their Genealogy, and right of ſucceſſion, *Neh.* 7. 65. From all this it is manifeſt, that all theſe three caſes have been miſrepreſented, and that it is a bad deſcription of the *Kingdom of Judah*, which placeth all theſe things, without the limits of the Royal authority.

11. But there are alſo ſeveral other *conſtitutions*, and determinations of authority, which by theſe Writers are appropriated to the Synedrial power; as the making of *arbitrary wars*, the eſtabliſhing and ordering *inferiour judicatures*, and the conſtituting *laws*. And to debar the King of all power in theſe matters, and reſerve them as peculiar to the *Sanhedrin*, is in effect to affirm, that neither the Royal Crown and Scepter, nor the power of the Sword, did belong unto the King.

Of making War.

Sanh. c. 1. Sect. 5. Coch. ibid. n. 23. Buxt. Lex. Ch. in רחם Scld. de Syn. l. 3. c. 12. n. 1, 2. Schick. de jur. Reg. Heb. c. 5. Theor. 17.

12. That the מלחמת הרשות *arbitrary war*, or War of choice, (whereby they underſtand all War, beſides what God commanded them againſt the ſeven Nations of *Canaan*) might never be undertaken by the King, but only by the authority of the *Sanhedrin*, is generally aſſerted by theſe Jewiſh Writers, and their followers. Inſomuch that *Schickard*, producing *Maimonides* to the ſame purpoſe, ſaith, *Rex arma finitimis illaturus, neceſſariò prius deliberabat cum magno ſenatu*,

natu, citra cujus conſenſum miles non exibat. Yet nothing can be more plain, than that the *war* againſt the *Ammonites*, for the defence of *Jabeſh-Gilead*, was particularly reſolved upon by *Saul*, upon his preſent hearing of the caſe, 1 *Sam.* 11. 5, 6, 7, 12. to which *Joſephus* agreeth. And the Wars againſt the Children of *Ammon* in *Davids* time, whereby they were deſtroyed, were by the *determination of David*, 2 *Sam.* 10. 6, 7. *ch.* 11. 1. And leſt any ſhould ſurmiſe, that this great Court was in ſuch Caſes preſent with the King, as the *Soul* is with the body, from which, though no man can ſee it, all ſtrength and life is derived; I ſhall add that famous inſtance of *Jehoſaphat*. When he was with the King of *Iſrael*, out of his Kingdom, he upon a ſudden reſolved on, and undertook in League with *Ahab*, a *voluntary War* againſt *Syria*, 1 *Kin.* 22. 3, 4. and for his proceeding therein, deſired no inſtructions from any Council in *Judea*, nor from any other man under Heaven; but only concerning the event he enquired of a *Prophet of the Lord* in *Iſrael*, *v.* 5. Sect. 2. Ant. Jud. l. 6. c. 5, 6.

13. He who would have any further inſtances in this matter, may have recourſe beſides other caſes, to the voluntary Wars of *Amaziah* againſt *Joaſh*, 2 *Chr.* 25. 17,

B. 1. C. 3. 18, 19, 20. and of *Joſiah* againſt *Phaſaoh Necchoh*, 2 *Chr.* 35. 20, 21, 22. Where as thoſe Wars are related to be undertaken, by the choice of theſe two *Kings of Judah*; ſo the Kings againſt whom they Warred, ſent Embaſſies for Peace, not to any *Sanhedrim*, but to them. To this I add, that if this notion had any thing of truth in it, it might poſſibly be emproved far, toward the juſtifying the *rebellion of Abſalom*, againſt his own Father. For if the power of War was in this Court, it is altogether unlikely, that *David* in his ſudden flight from his Royal City, ſhould have them with him; but it is much more likely, if there was then any ſuch *Court*, it did remain with *Abſalom* in *Jeruſalem*, where only that Court could regularly ſit, according to the Jewiſh Canons; eſpecially if that be admitted for truth, which is declared by the Chaldee Paraphraſt, that *Ahitophel* the chief Conſpirator, was the *head of the Sanhedrim*.

Seld. de Syn. l. 2. c. 16 n. 5. Seld. de Syn. l. 2. c. 15. n. 4. Schic. de Jur. R. c. 1. Th. 2.

Ch. Par. in Pſ. 140. v. 10.

Inferiour Courts. Sanh. ubi ſup. Seld. de Syn. l. 3. c. 1. n. 1. Quinq in Chal. Par. in Thren. c. 5. v. 14.

14. The right of appointing *inferiour Courts of Judicature*, among the Tribes of *Iſrael*, is claimed alſo as peculiar to this *Sanhedrim*. And that the *Judges* of inferiour Courts muſt be made *Rabbies*, and receive *impoſition of hands* from this great Court, is declared by *Quinquarborem*. But as we have undeniable evidence, that

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in the *military Government*, divers Captains and Generals were appointed by *David*, and *Benajah* by *Solomon*; ſo alſo *David* eſtabliſhed 2700. Levites, to be *rulers* over the two Tribes and half, 1 *Chr.* 26. 32. And as the holy Scriptures gives us an account of the Officers, and Judges in his time, over the other Tribes, *Joſephus* informs us that ſix thouſand of the *Levites* were made *Judges* by *David*. And if Judges in the Land had not uſually been eſtabliſhed by the King, there had been no colour for that plauſible pretence of *Abſalom*, againſt his Father, by telling the men of *Iſrael* their matters were good and right, but there was no man *deputed of the King to hear them*, 2 *Sam.* 15. 3. Nor can any thing be more clear than that *Jehoſaphat ſet judges in the land throughout all the Cities of Judah, City by City*, 2 *Chr.* 19. 5. and alſo a *chief court* in *Jeruſalem*, *v.* 8.---11. but that this was no ſuch *Sanhedrim*, as the Rabbins mention, I ſhall hereafter manifeſt. And that the ancient Jewiſh Writers, did acknowledge it a right of the King, to *appoint judges* and judicatures, will appear from *Philo*, who diſcourſing of a Prince, with a ſpecial reſpect to the Jewiſh Government, directs him to write the Book of the Law with his own hand, and to read therein, and

Sect. 2.

Antiq. Jud. l. 7. c. 11.

Phil. de Creat. Princip.

B. 1. C. 3. alſo αἱρεῖσθαι διαδόχους, οἳ συναρξουσι καὶ συνδικάσουσι, *to chuſe others who ſhall partake in the rule and Government*; that is as he expreſſeth it, that the leſſer cauſes he ſhould ὑπάρχοις ἐπιτρέψαι, *commit them to inferiour Rulers.*

Of making Laws. Seld. de Syn. l. 3. c. 1. n. 1. Quinquarb. ubi ſup. De Syned. l. 2. c. 9. n. 7. Carpz. in Schickard. c. 1. Theor. 2. p. 15.

15. The authority of making any new *Laws or Conſtitutions*, is alſo pretended to be peculiar to the Synedrial power. And conſequently their *Kings* muſt be denied to have any intereſt in the *legiſlation*, ſince theſe Rabbinical Writers do generally affirm, that the *King* might have no place in the *Sanhedrim*, nor any ſhare in its authority, as hath been obſerved among others by *Selden* and *Carpzovius*. But whereas the chief things reported to us, concerning the Reign of the Kings of *Judah*, conſiſt either in their care of *Religion*, or their *military atchievements*, we have an inſtance of a ſtanding *military law* or ſtatute, for dividing the Spoil; which was eſtabliſhed by *David*, 1 *Sam.* 30. 24, 25. And I have in the former Chapter evidenced, their eſtabliſhing Orders in matters *Eccleſiaſtical*; ſuch were the *diviſion* made by *David* of the Prieſts and Levites for their attendance on the ſervice of God, and others of like nature; and *Joſephus* tells us that this diviſion was obſerved as long as the Temple and its worſhip

Ant. l. 7. c. 14.

worſhip ſtood. To which we may alſo adjoin, the particular Laws or Conſtitutions, made by *Joſiah* and *Nehemiah*, concerning ſome of the *Prieſts* abovementioned. Sect. 3.

SECT. III.

Of the antiquity *of the Synedrial power among the Jews, with reflexions upon the pretences for a diſtinct ſupreme* Eccleſiaſtical Senate.

1. From what hath been diſcourſed, it is ſufficiently evident, that whatſoever *Courts of Judicature*, or Officers there were in *Judah*, none of them under the Jewiſh *Monarchy*, ever did vie for Soveraignty with it; but were in ſubjection to it. There was no ſuch authority, as is challenged by *Schickard* to the *Sanhedrin*; who calleth it *Synedrium magnum regiæ majeſtatis compar*; or by *Grotius*, who in the reign of the Kings, owneth *Senatûs authoritatem regiæ velut parem*, in which expreſſions is aſſerted its equal, or coordinate power with the Kings which *Selden* alſo allows. Yet for giving further evidence to the truth of what I have above expreſſed, I ſhall aſſert, De Jur. Reg. c. 2. Th. 7. Grot. in Mat. 5. 22. Seld. de Syn. l. 2. c. 16. n. 4. P. 667.

B. 1. C. 3.

The Original of the great Sanhedrin was ſince the Captivity.

2. That this *chief Synedrial Government* among the Jews, was of a later extract than the time of the *captivity*, and had its firſt *original*, ſince the decay of the true *Royal power*. There was indeed all along the Moſaical diſpenſation an *High Prieſt*, whom the Law of *Moſes* obliged the *Judge or King*, in arduous and weighty matters, (and in ſuch only) to conſult, and by him to *ask counſel of God*. And they had alſo *Elders* and men of wiſdom, and with ſome of theſe the Laws of equity and prudence would direct the King to adviſe. And thus much may not improbably be the ſenſe of thoſe words of *Joſephus*, propoſing this Rule for the King; Joſeph. Ant. l. 4. c. 8. πρασσέτω δὲ μηδὲν δίχα τοῦ ἀρχιερέως, καὶ τῆς γερουσιαστῶν γνώμης, not to act *without the High Prieſt, and the conſent of the Senators*. Yet *Salmaſius* thinketh that theſe words of *Joſephus*, are ſuitable only to thoſe *Princes*, who ruled about the end of the *Jewiſh ſtate*; and unleſs they be taken in the ſenſe I have mentioned, they are certainly no rule, either founded on the *law*, or agreeable to the government of the Houſe of *David*. And indeed *Joſephus* who ſaw and felt the calamities, which the Jews ſuſtained under the *Roman Kings*, was no friend to Monarchy, and though he be far from the Rabbinical ſtrain, yet ſometimes

Defenſ. Regia. c. 2. p. 47.

ſometimes in this particular he plainly miſ- Sect. 3.
repreſenteth the *laws of Moſes*, as is done in ſome expreſſions of this very Chapter now mentioned.

3. The Iſraelites alſo had Courts of Judicature and *Judges*, in their ſeveral Precincts, *commanded* by the law, as is neceſſary in every Kingdom and orderly Government, and they had one *chief court* to receive *appeals* from the inferiour, enjoined, *Deut.* 17. 8, 9, 10. But all theſe in the time of the *Royal Government*, and all matters of juſtice whatſoever, were under the authority of the King, ordered by him, and dependent upon him. Even the *Talmud* declareth, that all that is contained in that *Paraſhah* of the law, which treateth concerning the *King*, is under the Government of the King; which *Paraſhah* or Section beginneth, *Deut.* 16. 18. and endeth *Deut.* 21. 10. and ſo taketh in this whole ſeventeenth Chapter. But we have much better evidence hereof, both in what I have above obſerved, of the *Kings* power concerning matters of *judicature*, and in that God chargeth upon the King, the care of *executing juſtice*, *Jer.* 21. 12. *ch.* 22. 2, 3, 4, 15, 16. See alſo 2 *Kin.* 15. 6.

Both in its ſupreme power.

Gemar. in Sanh. c. 2. Sect. 6.

4. But this *Rabbinical Sanhedrim* (whoſe name being of a *Greek extraction* from

B. 1. C. 3. from συνέδριον, may somewhat intimate the time of its production) consisting only of *Rabbies* or such *students in the law*, who received *ordination*, it is reasonably concluded by Mr *Thorndike*, that it could not be such in the flourishing times of their Kingdom, when no doubt *Princes and noble persons* enjoyed places of dignity and authority. And whereas these Rabbinical Courts of Judicature, consisted of *three persons* only in lesser places, of *twenty three* in greater Cities, and the supreme Court precisely of *seventy one*, it is highly probable, that this model so far as respects the number, was not the ancient usage in *Israel*; there being no account of any such Courts given, either by *Josephus*, or *Philo*. Yea *Josephus* declares that which is sufficiently contrary hereto; that in every City, the Government was to be managed by *seven men*, with *two Levites*, which he mentioneth as the direction of *Moses*; but this is not reconcileable with the *Rabbinical notions*, notwithstanding all the endeavours of some learned men to that purpose. And when we read of a Court of *ten Elders* at *Bethlehem*, *Ruth* 4. 2. and of *seventy seven* Elders at *Succoth*, which was a City of the *Gadites*, *Jud.* 8. 14. it is manifest that in those times, they had not the same number of Judges

Of Religious Assembl. c. 3.

And precise number of judges.

Ant. l. 4. c. 8.

Judges and Rulers, which the latter times did direct, but very different, as is from hence obſerved by Biſhop *Bilſon*. Sect. 3. *Perpetual Gov. of Chr. Church.* ch. 4. p. 21.

5. I know it hath been an opinion, commonly received without much examination, that this great Court had its *original* in the Wilderneſs, when the *ſeventy Elders* were taken unto *Moſes his aſſiſtance* in the Government, *Num.* 11. which Mr *Selden* accounts a matter ſo clear, that he receiveth it with *nihil certius eſt*. But he who ſhall conſider, that all the evidence that thoſe 70. *Elders* were ſuch a *Sanhedrin*, as I have above diſcourſed of, doth depend upon the *tradition* of a very diſtant age, and that there is no certainty, that the 70. Elders mentioned in the Book of *Numbers*, were *one Court*, and not Officers in *diſtinct limits*; as alſo that the Hiſtory of the Book of *Judges*, and of the time of *Samuel*, who was himſelf chief Judge of *Iſrael*, and in his own perſon *held his aſſizes* in Circuit, (twice in the year, as *Joſephus* tells us) give ſufficient evidence, that there was no ſuch *ſupreme Court* in being all thoſe times, which *he judged Iſrael*, and that in the following times, the authority claimed to them, was enjoyed by the *Kings*, as I have evinced; I ſay, he who conſiders all this, may very well queſtion, if not deny its ſo *early original*. De Syn. l. 2. c. 4. n. 12. 1 Sam. 7. 16. Ant. l. 6. c. 3.

B. 1. C. 3. Seld. de Syn. l. 2. c. 16. n. 23. p. 661, &c. *ginal.* And the *Jewiſh traditions* concerning the *continuance* of this Court, and the ſeries of *ſucceſſion* of its *preſidents*, hath no ſhew of probability. They ordinarily account from *Moſes* till the *Kings of Iſrael*, that the ſeveral *Judges* of *Iſrael*, were the ſucceſſive *heads* of the *Sanhedrim*; and yet there is no mention of any ſuch Court, in all the Hiſtory of the *Judges*, and many things therein ſhew them to have *judged Iſrael* as ſingle perſons, or a kind of *Monarchs*: and had there been ſuch a ſetled *great Court* of Judicature with them, that people had not been left upon the death of the Judge, in ſuch confuſion and *Anarchy*, that every man *did what was right in his own eyes.* And the Jewiſh Writers produce *different Catalogues*, of the נשיא or Preſident of

Ibid. n. 6. 5. the *Sanhedrin*, which ſpeaketh them to be at great uncertainty concerning it. And many of them will have *David*, and ſome other Kings to have been *Preſidents* of this Court, which is contrary to another of their own *traditions* above-mentioned. But theſe uncertain and groundleſs *Fables*, are rejected by divers learned men; and

Ibid. n. 6. p. 674. even *Selden* himſelf acknowledgeth, that what the Jewiſh Writers deliver, is *ſucceſſio intuenti haud ſatis commoda.* And not only *Petavius* and *Pererius*, have diſ-

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owned the Constitution of this *Sanhedrim* to be from *Moses*, but *Carpzovius* lately, and *Conringius de Republica Hebraica*, and *Fipschmuthius de rege eligendo & deponendo*, as they are by him cited, will not allow it to precede the Captivity. Sect. 3. Carpz. in Schickard. p.11,p.16. & passim.

6. There is also another *conceit*, which hath taken place with many, as *Junius* and *Tremellius*, in *Deut.* 17. *Bertram*, and *L'Empereur*, our English Author of *Jewish Antiquities*, and others; that God appointed *two Syndrial Consistories* among the Jews, the one *civil*, the other *Ecclesiastical*. Now if all that is designed by this notion of a distinct *Ecclesiastical power*, was no more than that the *Priests* as *Gods Officers*, were by divine authority empowered to *judge* and determine, of what related to the regular purity of the *Temple worship*, and of the Rules of Ceremonial *cleanness* and *uncleanness*, and such like things, still acknowledging that they were *subjects* to the Royal Government, all this is to be granted and asserted; and some intimations there are in the Jewish Writers, of a Council or *Consistory of Priests*. But since the authority pleaded for, in the management of this notion, is a *proper supremacy* in Causes *Ecclesiastical*, so that both these pretended Consistories, are stiled by *Bertram*, *summa & suprema judicia*, this (which *Of an Ecclesiastical Sanhedrin.* Bertr. de Rep. Hebr. c. 11. L'emp. in Bertr. ibid. & in Middoth. c. 5. Sect. 3. Mos. & Aar. l. 5. c. 1. V. Hor. Hebr. in Mat. 26. 3. Bertram. ibid.

XUM

B. I. C. 3. (which is alſo improved by ſome, in favour of the higheſt ſort of *Presbyterian Conſiſtories*, and againſt the *ſupremacy* of the *King*, in matters of the *Church*) is neceſſary to be rejected; concerning which it will be ſufficient to note two things.

7. Firſt, That this hath no foundation in the *Jewiſh Writers*, according to whom it is not to be doubted, but that in the declining time of their ſtate, they had only *one Great Sanhedrin*, which took cogniſance both of *chief*, *civil*, and *Eccleſiaſtical* cauſes. And the aſſerting of two ſuch properly diſtinct Synedrial *Courts*, is juſtly exploded by *Grotius*, *Selden*, Dr *Lightfoot*, and others well acquainted with Jewiſh learning. And what number ſoever they had of *particular Conſiſtories*, the Royal power hath been ſufficiently proved *ſupreme*, as well in cauſes Eccleſiaſtical as Civil.

Gr. de Imp. c. 11. n. 15. Seld. de Syn. l. 2. c. 4. n. 5. Hor. Hebr. in Mat. 26. v. 3.

8. Secondly, The pretended proofs from *Scripture*, upon which they who embrace this conceit do build, are very weak. Some perſons would find an evidence for a *divine appointment*, of an *Eccleſiaſtical Sanhedrin* of 71. in *Exod.* 24. 1. where God ſaid unto *Moſes*, *Come up thou and* Aaron, *and* Nadab, *and* Abihu, *and ſeventy of the Elders of* Iſrael, *unto the Lord*;

Jus divin. Regim. Eccl. Part. 2. ch. 12.

Lord; *and worſhip ye afar off.* And yet here is nothing at all mentioned concerning any Conſiſtory, or *power of Government*; nor is it uſual to account *ſeventy four* perſons to be but *ſeventy one.* Sect. 3.

9. Others as *L'empereur* and *Rutherford*, inſiſt on *Deut.* 17. 8. -- 12. where a Court of *Appeales* in difficult caſes is eſtabliſhed, and the Law declares, *If there ariſe a matter too hard for thee in judgment, between blood and blood, between plea and plea, between ſtroke and ſtroke, being matters of controverſy between thy gates*; *then thou ſhalt ariſe, and go to the place which the Lord thy God ſhall chooſe. And thou ſhalt come unto the Prieſts, the Levites, and* (which Particle ſome render *or*) *unto the Judge.* Now all the force of argument from this place, for *two diſtinct Conſiſtories*, is, that here is mention both of the *Prieſts*, and of the *Judge.* But this Text gives ſufficient intimation, that here is only *one chief Court* deſigned; and that with particular reſpect to matters of *civil cogniſance*; which might conſiſt of *Eccleſiaſtical* or *ſecular* perſons, or rather of *both.* *Joſephus* tells us there were συνελθόντες ὅ,τε ἀρχιερεὺς, καὶ ὁ προφήτης, καὶ ἡ γερουσία, in the ſame Aſſembly, *the High Prieſt, the Prophet, and the Company of Elders* meeting together. And the

L'emp. in Annot. in Bertr. & in Comment. in Middoth. ubi ſupra. Rutherf. *Div. Right of Ch. Gov.* ch. 23. p. 505.

Ant. Jud. l. 4. c. 8.

B. 1. C. 3. the Law of *Moſes* did alſo expreſly require, concerning one and the ſame caſe, *Deut.* 19. 16, 17. *If a falſe witneſs riſe up againſt any man, to teſtify againſt him that which is wrong, Then both the men between whom the controverſy is, ſhall ſtand before the Lord, before the Prieſts, and the Judges which ſhall be in thoſe days, and the Judges ſhall make diligent inquiſition.* And how the *Prieſt* might ſometimes be particularly concerned, in the enquiry about *civil Caſes*, and matters of treſpaſs and *injury*, may be obſerved from 1 *Kin.* 8. 31, 32.

10. Another place frequently *alledged*, for this *Eccleſiaſtical Sanhedrim*, diſtinct from the civil, is the *conſtitution* of *Jehoſaphat*, 2 *Chr.* 19. 8.--11. which is ordinarily called, the reſtoring the Synedrial Government. But *Grotius* doth with conſiderable probability deny, that *two Courts* were here appointed, and *Joſephus* whom he cited, ſeemeth to be of the ſame mind. And I think it ſufficient to add, that ſince *two diſtinct Courts* do not appear *enjoined* by the Law of *Moſes*, and ſince *David* and *Jehoſaphat* did differently model their *Courts of Judicature*, in complyance with the end and deſign of the Law of *Moſes*, 1 *Chr.* 26. 29--32. 2 *Chr.* 19. 8--11. it is not to be doubted, but this modelling was performed,

Grot. de Imp. c. 11. n. 15.

Joſeph. Antiq. l. 9. c. 1.

performed, by their own *prudence* and *Royal authority*. But that here was no ſuch *Sanhedrim erected*, as is pretended, is the more manifeſt, becauſe I have given plain evidence, that both before and after *Jehoſophats* time, the power claimed as peculiar to them, was *exerciſed* by the *King*. Nor could the act of *Jehoſaphat* give any Court an *original ſanction*, as from the *Law* of *Moſes*, nor ought it to be imagined, that he *inveſted* them with any power paramount to the *Royal*, by which they were conſtituted. Sect. 3.

11. And now again I think it not unmeet to apologize for the length of this diſcourſe, concerning the *Synedrial power*, which is much larger than I could have deſired it to have been. And yet conſidering how great the *miſtakes* of very many Chriſtian Writers are, in this particular, and to what *ill purpoſes* this errour hath been by ſome abuſed, both for the *ſubverting* the *Royal*, and *Eccleſiaſtical Government*; I thought it uſeful to add this Chapter in this place, and to ſay ſo much therein, as would be ſufficient with impartial men, for the *refuting* over-grown *miſtakes*. And this I have done the rather, becauſe one of the moſt ingenuous Romaniſts lately, though he mention other Pleas, doth inſiſt on this as a chief one, againſt the

P. de Marc. Proleg. p. 23, 24, 25.

B. 1. C. 3. the admitting that *Royal Supremacy* aſſerted in the *Church of England*, to be proved from the Authority of Princes under the Old Teſtament, becauſe, he tells us, the *King* then in all difficult Caſes, muſt *depend* on this great *Sanhedrin*. And this he there inſiſts upon with particular oppoſition to the *Anglobritanni*, or the poſitions concerning the due authority of *Princes*, which are aſſerted in the *Church of England*.

CHAP.

CHAP. IV.

Arguments for Royal Supremacy in Cauſes Eccleſiaſtical, from the nature of Soveraignty, *and the doctrine of* Chriſtianity: *with an enquiry how far Princes who are not of the Church, may claim and uſe this authority.*

SECT. I.

The evidence hereof from the nature of Soveraign power.

Princes as Gods Miniſters muſt take care of his honour and Religion.

1. IN conſidering the nature of *civil Government*, we may in the firſt place reflect upon the *original* thereof. It is derived from and *appointed* by *God*, who as Creator and Lord of all, hath the higheſt right to *rule and govern* the whole World. Hence the Apoſtle calleth Government, an *Ordinance of God*, and Rulers *his Miniſters*, *Rom.* 13. 1, 2, 3. who are alſo ſtiled *Children of the moſt high*, *Pſ.* 82. 6. And that this is a *divine inſtitution*, was conſtantly acknowledged by the *ancient Chriſtians*, notwithſtanding their perſecution from the civil powers, as

B. 1. C. 4 Tertul. Apol. c. 35. & ad Scap. c. 2. Euſ. Hiſt. Eccl. l. 7. c. 1a'.

is manifeſt from many expreſſions to that purpoſe, of *Tertullian*. *Dionyſius Alexandrinus*, and others, of which thing I ſhall diſcourſe more in another place. Wherefore Rulers ought to take care of the *ſervice of God* in the World: for if any *ſervant* be *empowered* to govern other ſervants, in his Maſters Family, and to overſee his affairs, can it be ſuppoſed, that he ought only to keep theſe ſervants from *abuſing one another* and not to take care of the intereſt of his *Maſter*, who employs him, whether his buſineſs be done or no, and whether they expreſs due reſpect to him, or *vilify* and *deſpiſe* him? And if a Prince appointeth any *inferiour Governour*, is it not expected that this man in his place ſhould take care, to maintain the *honour* and ſoveraignty of his Prince, as well as the *intereſts* of particular men?

This need-ful and reaſonable.

2. And ſince it is manifeſt by the experience of the World, that the *duties to God* are not duly performed by all men of their *own accord*, nor with the ſole help of the *ſpiritual guides*; and ſince the authority of the civil power hath a like influence, upon *diſcountenancing* or *reclaiming* offenders in matters of *Religion*, and in common *honeſty*; it cannot be leſs neceſſary that thoſe whom God intruſts with ſecular authority, ſhould take care

of

of his *worſhip*, honour, and ſervice, than of other things; unleſs it could be preſumed that the acknowledging and honouring *humane authority*, and being *juſt*, is more a duty to man, and more his intereſt, than the acknowledging and *honouring of God* is. But God being above all, and the common *father of mankind*, upon whom we all depend, and unto whom we are moſt engaged, it juſtly ſeemed ſtrangely unreaſonable to *Philo the Jew*, that it ſhould be thought needful that care be uſed, to ſecure the performance of honour and duty, to other *Parents* and *Governours*, and that no ſuch regard ſhould be had to *God*. And it was eſteemed an high abſurdity by S. *Auſtin*, that offences *againſt men* ſhould be puniſhed and corrected, but not thoſe *againſt God*. And this was ſo much the general ſenſe of mankind, that *Seneca* could aver, *Violatarum religionum aliubi atq; aliubi diverſa pœna eſt, ſed ubiq; aliqua*; *that there were different puniſhments in ſeveral places, but every where ſome for them who violate Religion.* And even our holy *Saviour* in his *prophetick zeal*, thought fit by a ſcourge, twice to drive out them who *polluted the temple*, who would not undertake to *divide* inheritances, or to paſs a *judicial ſentence* upon the Adultereſs.

Sect. 1.

Phil. de Temul. p. 259. & de profug. p. 462.

S. Auguſtin. cont. Gaud. Ep. l. 2. c. 11.

De Benef. l. 3. c. 6.

B. 1. C. 4 And all *Governours* as they have received greater acceſſions of *honour* from God, than others have, are obliged thereby the more to honour him, and promote his ſervice.

Religion of great uſe to the good of Mankind. De Charit. p. 717. De Decalogo, pag. 751.

3. It being generally acknowledged, that the ſecular authority is to take care, that *juſtice*, *honeſty*, *peace* and *vertue* be eſtabliſhed and preſerved in the World, even from hence we may infer the neceſſity of its care about *matters of Religion*; the exerciſe of which, is the beſt and *ſureſt principle*, of all honeſty, juſtice and vertue. Religion as *Philo* obſerved, rendreth the men who embrace it *ſober*, *juſt*, and *faithful*, whilſt the contrary ſpirit prevaileth in them who *reject pīety*, as the ſame Author obſerveth. And he who conſiders, how mightily the *Chriſtian doctrine enjoineth righteouſneſs*, meekneſs, peace, love, and all goodneſs; and how it enforceth the practice of all theſe by a lively *ſenſe of God*, and a belief of his dreadful *threatnings*, and excellent and glorious *promiſes*, muſt confeſs that theſe practices and exerciſes are powerfully promoted, by the embracing and eſtabliſhing the true *Chriſtian Religion*. Indeed there are many who *profeſs*, but do not *practiſe* this holy Religion; but in them who embrace the *true principles* thereof, as the *primitive Chriſtians* generally did, its defenders

De Charit. Ibid.

fenders could with confidence appeal even unto their Enemies (as *Tertullian* and *Origen* do) whether Chriſtians were not hereby more free, than other ſorts of men were, from *Sedition* againſt Princes, from all acts of *wrong* and *injury* againſt men, and *profaneneſs* and *impiety* againſt God. Sect. 1. Tert. ad Scapulam. c. 2. Orig. cont. Celſ. l. 3. p. 128, 129.

4. And even they who *perſecuted Chriſtianity*, have acknowledged, that upon the ſtricteſt enquiry, they diſcovered that men therein *obliged* themſelves, by *ſacred vows*, not to the committing any kind of wickedneſs, but againſt it; *ne furta, ne latrocinia, ne adulteria committerent, ne fidem fallerent*, &c. Indeed a right *principle of Religion* is much more effectual, for the promoting honeſty and righteouſneſs, than all outward *penalties*, as laying a powerful *reſtraint*, upon all ways of unrighteouſneſs, even when no eye of man can obſerve. Now can it be thought reaſonable, that the Rulers *charge* ſhould be, to take care of theſe ends now mentioned, and ſhould be *conſtituted of God* to that purpoſe, and yet ſhould be obliged to have no care of thoſe things, without which theſe ends can never be ſecured? To aſſert this, would be to caſt a high reflexion, upon the wiſdom and Government of God. Plin. Ep. l. 10. Ep. 97.

5. We may alſo now compare the *paternal*

B. 1. C. 4. *ternal* and *œconomical* Government, with the *Regal*. Theſe are ſo near of Kin, that it is not only acknowledged by *Proteſtants*, but even by the *Jews*, as we may ſee in *Philo*, and by *Papiſts*, as is declared in the *Catechiſm* according to the Decree of the Council of *Trent*, that in the *fifth commandment* of the Decalogue, the *Royal Authority* is included under the name of the *paternal*. Now the Governour of a *Family* hath ſuch an authority, as extendeth it ſelf to the things of *Religion*, in that he is to take care of the welfare and *good* of his Family. For there is *great good* included in the nature of Religion; which brings inward *quiet*, *peace*, and ſatisfaction of mind, by *ſubduing* violent *paſſions*, and inordinate *appetites*, and by eying *Gods providence* in all things, with ſubmiſſiveneſs to him, and *dependance* upon him; and it alſo brings very high advantages, as it is the way to enjoy *Gods bleſſing* here, and eternal happineſs hereafter, and therefore there cannot be any exerciſe of a true *Fatherly love*, where it doth not diſpoſe the perſon, to a care of ſo great a concernment as Religion is. And accordingly the Apoſtle commands Parents, to bring up *their Children, in the nurture and admonition of the Lord*, *Eph.* 6. 4. and God declared his great approbation

Ph. de Decal. p. 767. Catech. de Decal. Præcept. *Royal Government and paternal compared.*

bation of *Abraham*, in that he would *command his Children, and his Houſhold after him, and they would keep the way of the Lord, to do juſtice and judgment*, *Gen.* 18. 19. or that they would ſo entertain the principles of true Religion, that this ſhould be a foundation of righteouſneſs and well-doing. Sect. 1.

6. And there are the ſame reaſons, to engage the *Royal power* to take care of Religion, becauſe all civil powers are to intend the *good* of their inferiours, according to the doctrine of S. *Paul*, *Rom.* 13. 4. And the inſtances of *David*, *Jehoſaphat*, *Hezekiah*, *Joſiah*, *Conſtantine*, *Theodoſius*, and many other pious Kings and Emperours, do manifeſt, that they are capable of procuring very great good to their Subjects, by their pious care about the matters of Religion. And no doubt S. *Auſtin* might with good reaſon be confident, that the *Laws* of Chriſtian Princes about *Religion*, had been the occaſion of bringing many to *Salvation* by *Jeſus Chriſt*. V. Sacr. Imp. ad Conc. Eph. in Tom. 1. Con. Eph. c. 32. Cont. Ep. Gaudent. l. 2. c. 17. & in Epiſt. 50.

7. And the *Royal* Government is much of the ſame nature with the *paternal*, *enlarged* in the extent thereof over ſeveral Families; but not *reſtrained* in the nature of it, and in the moſt excellent and uſeful part of its authority; Gods Ordinance

B. 1. C. 4. Phil. de creat. princip. p. 727.

hereby placing others in that authority, which *Adam* and *Noah* had, over their multiplyed and enlarged Progeny. Hence Princes are ſtiled, κοινοὶ γονεῖς, the *common Parents* of Cities and Kingdoms, their political and civil being having a dependance alſo upon them, who were called, *Patres patriæ*.

8. And the conſideration of the *paternal power*, will remove the *objections*, which ſome men make uſe of, againſt the authority of Princes in matters of Religion. For if *Religion* muſt be ſo far left *free*, as not to be *commanded* and enjoined, by *any humane civil power*, then would *Abrahams commanding his Children and Houſhold*, have been blameable, he being in his Sphere a ſecular Ruler, as well as a Prince is. Or if it be pretended, that grown men who are come to years of *underſtanding*, and have undertaken the profeſſion of true Religion, ought to be ſo far left to their *own choice*, as not to be under the Government of any civil power, with reſpect to *Religion*; this alſo is refuted by the inſtance of *Abraham's commanding* his Houſhold, which was ſo large, that many years before this time of the deſtruction of *Sodom*, when God gave *Abraham* this *commendation*, he could arm *three hundred and eighteen* Souldiers

V. Salian. An. M. 2118. n. 13. & an. 2138.

of

of his own Houſhold, *Gen.* 14. 14. and all his numerous Family had been Circumciſed. And ſince *Abraham* continued under the *bleſſing of God*, it is very probable that his Family was further enlarged, before the time of this commendation of him. Sect. 1.

9. To all this I ſhall add, that he who doth ſoberly conſider, what ſad *diſturbances* and *commotions* in divers Kingdoms have been the product of the *corruptions*, and *errors* in the Chriſtian Religion; both upon the account of the *Papal Uſurpations*, under the pretence of *ſpiritual power*, and by reaſon of the *diſloyal poſitions*, and tumultuous practices of other Sects, and their frequent *Rebellions*; ſhall need no other argument to convince him, that the Princes exerciſe of *Government* about the *affairs of Religion*, is greatly neceſſary for the ſecuring his *own authority*, the peace of his *Kingdoms*, and the property of his *ſubjects*.

SECT.

SECT. II.

The ſame eſtabliſhed by the Chriſtian Doctrine.

1. That the *Goſpel Doctrine* never intended to deſtroy, or diminiſh the right of ſecular powers, is granted by ſome of chief note amongſt the Romaniſts, *Chriſtus* (ſaith *P. de Marca*) *cum Evangelium ſuum inſtitueret, regum dignitatem non læſit.* And this is not only manifeſt, from the tendency of thoſe great Chriſtian duties of *humility, meekneſs, peace* and *righteouſneſs*; but alſo from the many particular injunctions of *ſubjection* to Rulers, and from our bleſſed Saviour his commanding to *give unto Cæſar, the things that are Cæſars.* And alſo in that the Chriſtian Doctrine doth peculiarly enjoin *fidelity and obedience*, in all inferiour relations towards their ſuperiours, that by the practice of this duty, *Chriſtianity* may be *adorned and recommended* in the World, even to thoſe who did oppoſe or reject it. *Tit.* 2. 9, 10. 1 *Pet.* 2. 12, 13, 14, 15. *ch.* 3. 1, 2.

De Concord. in proleg. p. 25.

Chriſtianity eſtabliſheth Regal Supremacy.

2. And with ſome proſpect to *Chriſtianity*, the Kings of the Earth are called upon to *ſerve the Lord*, *Pſ.* 2. 10, 11. and are

are foretold to be *nurſing Fathers*, *Iſ.* 49. 23. And both this and their *undertaking Chriſtianity*, and being *baptized* into it, doth require them in their places, and by their intereſt and authority, to take care of the *honour* of God, of his *Church* and *Religion*. And S. *Auſtin* well declares, that Kings then ſerve God in their Kingdoms, when they therein command what things are good, and prohibit evil; *non ſolum quæ pertinent ad humanam ſocietatem, ſed verum etiam quæ ad divinam Religionem*, as well concerning Religion as humane affairs. Sect. 2. Conr. Creſc. l. 3. c. 51.

3. And leſt any ſhould think, that the eſtabliſhing the *Kingdom of Chriſt* according to the Goſpel Doctrine, ſhould give any exemption to the *ſubjects* thereof, from any part of that duty, which was incumbent upon them towards other Kings and Governours; S. *Peter* ſpeaking to Chriſtians, under the Titles of *a choſen Generation, a Royal Prieſthood, and a holy Nation*, doth yet (as Biſhop *Andrews* obſerved) particularly enjoin upon theſe perſons, ſubmiſſion *to the King as ſupreme, and to the Governours ſent by him*, 1 *Pet.* 2. 9, 13, 14. And the buſineſs of the civil power is there declared to be ſo general, as to be for the *puniſhment of evil doers, and the praiſe of them that do well*, and In Reſp. ad Bellarm. Apol. c. 3.

to

B.1.C.4. to the ſame purpoſe writeth S. *Paul*, *Rom.* 13. 3, 4. So that he who would exclude *matters Eccleſiaſtical*, or concerns of Religion from their government and care, under the New Teſtament, muſt undertake to aſſert, that the *performances of Religion* contain nothing in them of *well-doing*, and that the neglecting, contemning, or oppoſing it, is no part of *evil-doing*: which are ſuch *blaſphemous aſſertions*, as no man can embrace, unleſs he be ſunk into *Atheiſm*, and ſo really owneth no Religion at all. And S. *Aug.* from *Rom.* 13. 2. infers, that he who contemns the *Emperour commanding for truth, brings judgment upon himſelf.*

Aug. Epiſt. 166.

4. And when the Apoſtle requireth, that *Prayers be made for Kings, and all in authority, that we may lead a quiet and peaceable life, in all godlineſs and honeſty*, (which includeth both Righteouſneſs and Sobriety) he thereby expreſſeth the right adminiſtration of Government to be advantageous to theſe ends. Now as it is manifeſt that Rulers ſhould not only not *oppoſe Peace*, but *eſtabliſh* it; and not only not *proſtitute honeſty* and ſobriety, but *defend* and enjoin the practice of them; ſo the Apoſtle mentioneth *godlineſs*, as that which they ſhould advance equally, and in like manner with

1 Tim. 2. 12.

peace

peace and honeſty. Nor can we ſuppoſe that the *Chriſtian Prayers* were only deſigned, that Kings and Rulers with reſpect to theſe particulars mentioned, ſhould do no hurt: but ſince Gods Ordinance of Government is a *uſeful inſtitution*, that Chriſtian *Prayer* which ſuiteth the Chriſtian *doctrine*, can deſire no leſs, than that this inſtitution ſhould attain its end, and become every way effectual for the *doing good*. And many Chriſtian Princes have ſignally advanced, both the doctrine and practice of Godlineſs and Religion. Sect. 2.

5. And that *Eccleſiaſtical perſons* as well as others, are included under the duty of *yielding obedience*, and ſubjection to this authority, doth appear from that general Precept, *Rom.* 13. 1. *Let every ſoul be ſubject to the higher powers.* Where as the expreſſion is *univerſal* and unlimited, ſo the Comments of S. *Chryſoſtome*, *Theodoret*, *Theophylact*, and *Oecumenius*, do plainly declare all *Eccleſiaſtical perſons* and Officers, of what degree ſoever, even *Apoſtles* and *Evangeliſts*, to be concerned therein. But this ſenſe of theſe words, though urged alſo by S. *Bernard*, is not embraced by the preſent *Romiſh* Writers: but their *exceptions* made uſe of to *elude* this teſtimony, are of no great force. For while they tell us, that *theſe words* do as much

Eccleſiaſtical perſons ſubject to Princes.

In Loc.

S. Bernard. Ep. ad Senonenſ. Archiep. Eſt. in loc. Gr. de Valent. Tom. 4. Diſp. 9. qu. 5. punct. 4. Bell. de Rom. Pont. l. 2. c. 29.

B. 1. C. 4. much (if not more) require *ſubjection* to the *Eccleſiaſtical power*, as to the temporal, thoſe who thus interpret, are by S. *Aug.* cenſured, to be *ſane imperitiſſimi*. And that the Apoſtle doth directly diſcourſe here, of obedience to the civil and *temporal Rulers*, appears evidently from his mentioning their *bearing the ſword*, *v.* 4. and *receiving tribute*, *v.* 6.

Aug. cont. Ep. Parm. l. 1. c. 7.

6. And the pretence, that this command doth only *oblige* them who are *properly ſubjects*, but not thoſe *Eccleſiaſtical perſons*, who are pretended not to be *ſubject*, but *ſuperior* to the ſecular power, doth proceed upon ſuch a Notion, which was wholly unknown to the ancient times of Chriſtianity. For it was then uſual to hear ſuch expreſſions as theſe, *Colimus Imperatorem ut hominem à Deo ſecundum, & ſolo Deo minorem: we reverence the Emperour as being next to God, and inferior to none beſides him.* And S. *Chryſoſtome* owned *Theodoſius* as the *head over all men* upon Earth, *i. e.* in his Dominions. And according to this perverſe Expoſition, there is no more evidence from the *Apoſtles doctrine*, concerning any *Chriſtians* in general being ſubject to Princes, than concerning *Eccleſiaſtical Officers*; becauſe his doctrine muſt then be owned only to declare, that thoſe who are *in ſubjection*

Tertul. ad Scap. c. 2.

Hom. 2. ad Antioch.

jection ought to be ſubject, but not to determine whether any *Chriſtians* were to be eſteemed ſubjects to the Pagan Rulers or no. Sect. 2.

7. But though the Apoſtles were ready to declare all *needful truth*, even before Princes and *Conſiſtories*, we never find them when they were accuſed before *Magiſtrates*, to plead againſt their *power of judicature*, or that they had no authority over them; but they defended themſelves and their doctrine before them. And when S. *Paul* declared, *Act.* 25. 10, 11. *I ſtand at Cæſars Judgment-ſeat, where I ought to be judged: if I be an offender, or have committed any thing worthy of death, I refuſe not to dy,--- I appeal unto Cæſar:* he doth thereby acknowledge the Emperour to have ſuch a *power* over him, who was a great *Eccleſiaſtical Officer*, as to take cogniſance of his acting, whether he did any thing worthy of *death*, or of *civil puniſhment*. S. Paul's appeal conſidered.

8. But againſt this inſtance, *Bellarmine* who in his Controverſies did yield, that the Apoſtle did *appeal to Cæſar*, as to *his ſuperiour* in civil cauſes, afterwards retracts this and declares, that the Clergy being Miniſters of the King of Kings, are exempt *de jure* from the power, not only of *Chriſtian*, but of *Pagan Kings*; and therefore De Rom. Pont. l. 2. c. 29.

B. 1. C. 4 In Libr. Recognit. fore asserteth that S. *Paul appealed unto Cæsar*, not as to his superiour, but as to one who was *superiour* to the *President of Judea*, and to the *Jews*.

9. But such shifts are, first, contrary to the sense of the *ancient Church*, concerning this case; as may be observed from the words of *Athanasius*, who being accused before *Constantius*, telleth him; *if I had been accused before any other*, τὴν σὴν εὐσέβειαν ὀπικαλούμην, *I would have appealed unto your piety, even as the Apostle did appeal unto Cæsar, --- but from thee to whom should I appeal, but to the father of him, who said, I am the truth*; which words declare *this appeal* to be as to a *superiour*, and the *highest* on Earth, who is only under God. Secondly, this *perverteth* the Apostles sense, and *contradicteth* his words, who declared in his appealing, where he *ought to be judged*, if he had done any thing *worthy of death*; which is a plain acknowledgment of superiority over him.

Athan. Apol. ad Constant.

10. Thirdly, Besides, that all *appeals* are owned by Civilians and Canonists, as an application from an inferiour *judge*, to a *superiour judge*: this particular liberty of *appealing* to the Roman *Emperour*, was a priviledge granted only to them who were *free Citizens of Rome*: and the Apostle

Apoſtle could not *claim* this, but by owning himſelf a *Citizen of Rome*, and therefore a *ſubject* to the chief Governour thereof. For this appeal was founded upon that *Roman law*, which condemned that inferiour Judge as deeply criminal, who ſhould puniſh any *Citizen of Rome* thus *appealing*. To this purpoſe, *Julius Paulus* ſaith, *Lege Julia de vi publica damnatur, qui aliqua poteſtate præditus, civem Romanum, antea ad populum, nunc ad Imperatorem appellantem, necarit, necarive juſſerit, torſerit, verberaverit, condemnaverit, in vincula publica duci juſſerit.* And accordingly upon this appeal, S. *Paul* declared, that *no man* (no not *Feſtus* himſelf, the Preſident of *Judea*, who otherwiſe was enclinable to have done it) *might deliver him to the Jews*, *Act.* 25. 11. Sect. 2.

Jul. Paul. Sentent. l. 5. Tit. 28. n. 1.

SECT. III.

What authority ſuch Princes *have in matters* Eccleſiaſtical, *who are not members of the Church.*

1. It may be ſaid, that what is declared by S. *Peter*, and by S. *Paul* to the *Romans*, and alſo his *appeal*, did immediately reſpect *Heathen Governours*; and therefore

B.1.C.4. if these places will prove any thing, of the Princes power in matters Ecclesiastical, they must fix it in *Pagan Princes*, as well as in Christian. And this is the principal thing objected against the argument from *S. Paul's appeal*, by Mr *Rutherford*; who tells us, that this would own the *Great Turk* to be Supreme Governour of the Church.

Div. right of Ch. Gov. ch. 25.

2. And it must be confessed, that it is a very sad and heavy calamity to the Church when those *soveraign powers* who are not of the *true Religion*, will intermeddle in the *affairs of the Church*, without the fear of God, and due respect to the Rules of Religion. Such was the case of the *Jewish Church*, under the *Roman power*, which undertook to *dispose* of the *High Priesthood* in *Jewry*, against both the letter of the law, and the design of it. But no *Governours* whosoever they be, whether of the Church, or Strangers from it, have any *right* to do such things, no more than *Jeroboam* had, to set up the *worship* of the *ten Tribes of Israel*, contrary to the *Law*; or than the *Arian Emperours* had, to oppose the Deity of the *Son of God* against the *Gospel*. But though it be very desireable, that all parts of the Christian Church should be under Christian and *pious Princes*, yet where other pow-

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ers do *take care*, that the Christian Church and Ministers do observe the true *Christian Rules*, as the Archbishop of *Spalato* tells us was done in that part of his Province, which was under the *Turk*; this so far as it is regularly performed, is an *advantage* to the Christian Religion, and no blameable exercise of their authority. Sect. 3. Spalat. Ostensio. Error. Fr. Suar. c. 3. n. 23.

3. I think it a very plain and clear truth, that *Kings* and Princes are invested with an authority, to *govern* in matters of *Religion*, not as originally arising from their *Christianity*, but from their general right of *Dominion* and Soveraignty. Nor will there be any difficulty in this assertion, if we consider that this power of *governing* about Religion, encludeth only a right of *establishing* by their authority, what is truly *unblameable*, orderly, useful and necessary, with respect to Religion, and of *enquiring* into the practices of their subjects thereupon, in order to *approbation or punishment*; but gives no authority against truth or goodness. *All Soveraign powers ought to profess and promote true Religion.*

4. And though some persons by popular expressions *declaim* against this position, yet the substance of it hath been yielded by men of various perswasions. Mr *Mason* in his defence of the Ministry of *England* asserteth, That they who are *Hea-* De Minist. Angl. l. 3. c. 4. Mr Mason.

B. 1. C. 4. *thens*, have the *ſame office* and authority of the higher power, that the Chriſtian Magiſtrate hath, but want the *right exerciſe* of it in matters Eccleſiaſtical. Our Engliſh Presbyterians have aſſerted, that Heathen Magiſtrates may be *nurſing Fathers, may protect the Church and Religion, and order many things in a political way about Religion, may not extirpate or perſecute the Church, may help her in reforming, and may not hinder her.* And *Spalatenſis* aſſerteth, that the power of the Prince, in the external things of the Church, is ſo neceſſarily connected by divine, natural, and poſitive right, with the Royal power, *ut infidelis etiam princeps tali, ſi velit & ſciat, legitime uti poſſit poteſtate; that even an infidel Prince may uſe that power, if he underſtand his duty, and be willing to perform it.* And this aſſertion is approved even by *Didoclavius* (or Mr *Caldwood*, *Didoclavius* being the Anagram of *Caldivodius*) one of the moſt eager of the Scotiſh Presbyterians. And *Rivet* very rightly averreth, *In infideli principe non eſt defectus poteſtatis, ſed voluntatis tantùm*; that *an infidel Prince doth not want authority, but will and inclination to advance the true Religion.*

Jus div. Reg. Eccl. c. 9. S. 1.

Spalatenſ. ubi ſup.

Didoclavius Altar. Dam. c. 1. fin.

Rivet in Decal. ad quint. præc.

5. Surely it is paſt doubt, that where ever

ever *true Religion* and *Chriſtianity* is declared, and manifeſted in the World, it is the duty of all men to *receive* and *embrace* it, becauſe as they are *Gods Creatures*, they ought to *obey* and honour him, and *ſubmit* to his Laws and *believe* his Revelations; and thereupon every *ſupreme Magiſtrate* ought to advance the name of Chriſt, and the true doctrine and Religion. And if a *Pagan Prince* upon underſtanding the *truth*, ſhall uſe his authority for its *advancement*, this power is juſtly exerciſed in ſuch Cauſes Eccleſiaſtical. I preſume no Chriſtian will deny, that *Nebuchadnezzar* did well in making a ſtrict Law, that none ſhould *ſpeak amiſs againſt the God of Iſrael*, and *Darius* alſo in making a Decree, that *men tremble and fear before the God of* Daniel, *Dan.* 6. 26. and *Cyrus*, *Darius*, and *Artaxerxes*, in giving order for the *rebuilding* the *temple* at *Jeruſalem*, *reſtoring* its Veſſels, and furniſhing it with *Sacrifices*, and executing judgment on the oppoſers hereof; with reſpect to which thing, good *Ezra* bleſſed God, *who had put ſuch a thing into the heart of* Artaxerxes. And that other Princes in like circumſtances, ſhould follow the ſteps of *Nebuchadnezzar*, *Darius*, and the *King of Niniveh*, who proclaimed a *ſtrict faſt*, and commanded his people to *cry mightily*

Sect. 3.

Dan. 3. 29.

B. 1. C. 4. *mightily unto God*, is justly asserted by S. *Aug.* in his Epistle to *Bonifacius*.

Aug. Ep. 50.

6. Nor are those Heathen Emperours to be censured, who acted any thing on the behalf of *Christian Religion*, as *Tiberius* threatned them, who at their peril should *accuse Christians*, for their Religion; and other publick *rescripts* there were, of *Adrianus*, *Euſ. Hiſt. Eccl. l.* 4. 9. *Antoninus ibid. c.* 13. *Aurelius*, *Tertul. Ap. c.* 5. and *Galiennus*, *Euſ. Hiſt. l.* 7. *c.* 13. which were in the favour of Christians. And it is a known and famous case concerning *Paulus Samoſatenus*, who for *Hereſy*, was deposed by the *Christian Biſhops*, in the Council of *Antioch*, and *Domnus* appointed to succeed him. But *Paulus* refusing to leave his possession, the Orthodox Christians *appeal* to *Aurelianus*, *a Pagan Emperour*, who referring the case to be heard by the Bishops of *Italy*, and about *Rome*; ordered the Church to be given to him, for whom they should determine, and by *his authority* was *Paulus* ejected; and neither his *interposing*, nor their *appeal* unto him, hath been ever thought culpable, nor yet *Paulus* his being *dispoſſeſſed*, ὑπὸ τ κοσμικῆς ἀρχῆς, by the secular power.

Euſ. Hiſt. l. 7. c. 24.

Tertul. Apol. c. 5.

Constantine *before his baptism exerciſed authority in things Eccleſiaſtical.*

7. But above all others, the acting of *Conſtantine the Great*, before the time of

of his *Baptiſm*, ſeemeth very conſidera- Sect. 3.
ble, to evidence what power hath been exerciſed in things *Eccleſiaſtical* with the general approbation of Chriſtians, by one not yet *admitted* into the Chriſtian *Church*. Of which I ſhall give ſome particular inſtances, to which more may be added, beginning with what hath relation to the *peace and concord* of the Church. *Africa* in a ſhort time gave birth to the Schiſm of *Donatus* and of *Meletius*, and the Hereſy of *Arius*. The *Donatiſts* ſeparated themſelves from the Church, upon ſome exceptions they made againſt the Ordination of *Cæcilianus*, and being condemned by the African *Catholick Biſhops*, they apply themſelves to *Conſtantine the Emperour*. Opt. cont. Parm. l. 1.
But he being not verſed in things of that nature, as *Optatus* tells us, *did not* (or as S. *Auſtin* ſeveral times ſaith, *durſt not*) *undertake the judging* of the caſe himſelf, but by his authority, he *appointed Melchiades* then Biſhop of *Rome*, with *three Biſhops* of *Gallia*, to judge thereof, and they by vertue of his *delegation* examined the caſe, and adjudged it againſt the Donatiſts. Aug. Ep. 162. & 166. Euſ. Hiſt. l. 10. c. 5.

8. But they being ſtill unquiet, and this hearing being ineffectual, for procuring the *peace of the Church*, he orders this to be further examin'd by the *Coun-*

B. 1. C. 4. Euſ. ubi ſup. *cil of Arles*, which he ſummoned, and enjoins the parties concerned to attend that Council, as his own Letters in *Euſebius* do declare. And *Baronius* who fixeth the Bar. An. 314. n. 53. Baptiſm of *Conſtantine* ten years after this Council, yet aſſerteth him to have been *preſent* in it; which by the way is ſufficient to diſcover how little the preſence of *Conſtantine* in the Council of *Nice*, can prove him to have been then baptized, as *Baronius* would thence infer; who was not there to give ſuffrage or vote, for the deciding queſtions of faith, but to obſerve their proceedings and preſerve unity; and where indeed even Heathen Philoſophers An. 125. n. 45. were ſometimes preſent, which *Baronius* himſelf admitteth. And after all this, the Donatiſts being condemned at *Arles*, but ſtill diſſatisfied and turbulent, though *Conſtantine* was unwilling to have judged a *Canonical caſe*, concerning *Biſhops*, in his own perſon, yet at laſt he undertook the hearing the Caſe of *Cæcilianus* himſelf, and *juſtified* him. And the accuſations the Donatiſts brought againſt *Felix*, who was one of them who ordained *Ce-* Aug. Ep. 165. *cilian*, was by the *Emperours command* and appointment, heard by *Helianus*, who declared him innocent.

9. Touching *Arianiſm*, and the diſpute concerning the time of the obſervation of *Eaſter*,

Easter, *Constantine* endeavoured to *compose* and end them, by sending *Hosius* Bishop of *Corduba*, both to *Alexandria*, and into the *East*, or towards *Asia* to that purpose. And after this by his authority, he called that famous *Council of Nice*, to decide these Controversies; of which I shall add more in the next Chapter. And when they had determined these things, and the Case of the Meletians and others, *Constantine* enjoined the *burning* of all the *Books* of *Arius*, and upon pain of *death* required every Copy of them to be given up, and not to be *concealed*. But afterwards being deceived by *Arius* and his Complices, he was very favourable unto him. And many other things passed under his cognisance, relating to *Arius*, and his Confederates and Opposers. Sect. 3. Socr. Hist. l. 1. c. 4, 5. Soz. l. 1. c. 15. Euf. de Vit. Const. l. 2. c. 62. Socr. l. 1. c. 6.

10. He also *published* his *Edicts* against the *Donatists*, *Novatians*, *Valentinians*, *Marcionists* and other Sects, forbidding their *Assemblies*, either private or publick, and commanding their ordinary meeting places to be *pulled down*, or taken from them. And *Eusebius* observes, *de Vit. Const. l.* 1. *c.* 37. *& l.* 4. *c.* 27. how for the procuring the peace of the Church, he frequently *assembled Councils*, and *confirmed* their *Canons* and *Constitutions*. Cod. lib. 1. Tit. 5. leg. 1. Euf. de Vit. Const. l. 3. c. 62, 63. Sozom. l. 2. c. 32.

11. And

B.1.C.4. 11. And when he summoned the Council of *Tyre*, he expressed such words of authority as these, recorded by *Eusebius*, and from him admitted by *Baronius*. *If*, saith he, *any one shall, as I suppose they will not, withstand our mandate*, τὴν ἡμετέραν κέλευσιν, *and will not be present, there shall forthwith be sent one by us, who shall by the royal authority eject*, (or banish) him, ὃς ἐκ βασιλικῶν προστάγματος αὐτὸν ἐκβαλὼν, *and shall let him know, that it doth not become him to resist the appointments of the Emperour, which are published for the defence of the truth.* And *Athanasius* otherwise unwilling, as *Socrates* informs us, did come to that Council, for fear of the *Emperours displeasure*. But when the proceedings of that *Council* against him, were very injurious and irregular, for which the Emperour afterwards sharply *reproved* them, *Athanasius* himself a man of a great and couragious spirit, and no way inclinable to any unworthy compliances, earnestly *desired* to have his case heard, and examined by the *Emperour himself*, who though at first unwilling, did undertake to hear it.

Eus. de Vit. Const. l. 4. c. 42. Bar. an. 334. n. 8, 9.

Socr. Hist. Eccl. l. 1. c. 20, 21, 22.

12. He also *promulged* divers *laws*, for the advancement of Christianity and piety; by them prohibiting *idolatrous sacrifices*, *Eus. de Vit. Const. l. 2. c. 44. & lib. 4. c. 23.*

c. 23. and taking care for the erecting Christian *Churches*, *ibid. l.* 2. *c.* 44, 45. *Socr. l.* 1. *c.* 12. and enjoining the reverent observation both of the *Lords day*, and of other *fasting* and *festival* days of the Christian Church, *Euſ. de Vit. Conſt. l.* 4. *c.* 18, 23. And all theſe things were looked upon by the Chriſtians of that age, as no acts of an *intruding* and *uſurping power*, but were attended with great approbation and acclamations: and the pious *Biſhops* were ready and forward to *examine* cales according to his order, for the Churches peace, or to meet in Councils, according to his appointment. But where the Emperour through miſtake did go beyond his bounds, the pious and Catholick Biſhops were then careful, to preſerve the true *Catholick rules* of Order and Unity, as appeared in that notable inſtance, when he *commanded Arius* to be received into *Communion*, of which hereafter. Sect. 3.

13. Indeed *Conſtantine* did all this time *believe*, and own the *doctrine* of Chriſtianity; but was not till toward the end of his life ſolemnly admitted into the number of the Catechumens, when he firſt received *impoſition of hands*, according to the diſcipline of the Church. And therefore when he owned himſelf to be conſti- Euſ. de Vit. Conſt. l. 4. c. 61.

tuted

B. 1. C. 4. tuted of God, ὁπίσκοπος τῶν ἐκτὸς τῆς ἐκκλησίας, he meant thereby that he had the *oversight and government*, and was to take care of those persons who were without the Church. And the like general sense of the word ὁπίσκοπος must be admitted, where *Eusebius* declares, that *Constantine* behaved himself towards the Church of God, as one who was κοινὸς ὁπίσκοπος, a *general Governour* thereof. But whilest he was yet *unbaptized*, being not a perfect *member* of the visible *Church*, it would be very incongruous to assert, that he could derive his *authority* in causes *Ecclesiastical*, from his relation to that Church, whereof he was but a *Candidate*. And no authority of *Government* in the Christian Church, can be conveyed by *Christianity*, antecedently to the *Baptismal admission*.

Ib. c. 24.

Ib. l. 1. c. 37.

SECT. IV.

An enquiry into the time of the Baptism *of* Constantine *the Great, with respect to the fuller clearing this matter.*

1. But because much of this depends upon the right fixing the *time* of *Constantines Baptism*, it will be no digression to take a true account thereof, which our later

ter Romiſh Writers do much miſrepreſent. Now *Euſebius*, the Chronicon of S. *Hierome*, and divers ancient Writers of good credit, inform us, that he received his *Baptiſm* at *Nicomedia*, but a very ſhort time before his death (and *Conſtantius* alſo his Son was *baptized* at the end of his life and reign). But *Baronius*, *Binius*, *Durantus*, and before them Cardinal *Poole*, in a particular Tract, and many other Popiſh Writers, out of reſpect to the *Romiſh See*, will have his Baptiſm to be adminiſtred divers years before, at *Rome* by *Silveſter*; ſome of them boldly charging *Euſebius*, with a deſign of *forgery* and falſhood in this relation. Sect. 4. De Vit. Conſt. l. 4. c. 61, 62. Socr. l. 2. c. ult. Bar. an. 324. n. 29. &c. Bin. in Vit. Silv. Pol. de Bapt. Conſtant. Durant. de Rit. l. 1. c. 19. n. 8.

2. But he who ſhall conſider, how much *Euſebius* converſed with *Conſtantine* himſelf, and how remarkable a thing his *baptiſm* muſt needs be, after the continued ſeries of *Pagan Emperours*, and alſo how many particularities are expreſſed by *Euſebius*, both concerning *words* and *actions* of *Conſtantine*, at that time and place, which had relation to his *baptiſm*; will think it unlikely that his account ſhould be an impoſture. And he who ſhall further obſerve that *Nicomedia* was no obſcure place, but a *populous City*, in which was an *Imperial Palace*, where *Conſtantine* ſometimes reſided, and there died; and

Conſtantine *not baptized at* Rome *by* Silveſter.

Socr. l. 1. c. 5.

B.1.C.4. and that all this was related to be done, in a time of ſo much remark, as then was the *fifty days* from *Eaſter* to *Whitſontide*, and when many *Biſhops* were called thither, to be preſent at this *ſolemn action*; if all this was as *Baronius* and *Binius* pretend, a deſigned forgery of *Euſebius*, there was great want of cunning in the contrivement. And he muſt be a man arrived at a ſtrange height both of *impudence* and *folly*, who would attempt the *obtruding* ſuch a cheat upon the World, which could not but be generally contradicted in that age. I ſuppoſe that no man of common ſenſe can perſwade himſelf, that if he would undertake to write, that our late gracious *Soveraign*, *King Charles* the Firſt, was put to death at *Dublin*, or *Edinburgh*, in 1660. (which is a parallel to what theſe men fancy of *Euſebius*) that ever he ſhould be believed.

3. And yet it is much more incredible, that if this had been ſuch a *palpable impoſture*, that both *Socrates*, *Theodoret*, *Sozomen*, *Evagrius*, and divers other Hiſtorians ſince them, ſhould agree with *Euſebius* herein, and that none of theſe, nor any other genuine *ancient Writer*, ſhould make diſcovery of his errour, who yet mention many things concerning *Conſtantine*, not expreſſed in *Euſebius*. And beſides what

Socr. l. 1. c. 26. Theod. Hiſt. Eccl. l. 1. c. 32. Soz. l. 2. c. 32. Evagr. Hiſt. Eccl. l. 3. c. 41.

what might be learned by *general fame*, and particular *writings*, *Socrates* had himself opportunity of *receiving intelligence*, concerning divers things done in *Constantines* reign, from some persons of good credit, who lived till his time, and one who was *present* in the *Council of Nice*. Sect. 4. Socr. l. 1. c. 7.

4. Besides this, S. *Ambrose*, who lived at the end of that Age, and in *Italy* not far from *Rome*, where *Constantine* is pretended to have been *baptized*, about thirteen years before his death; gives a plain testimony, that his baptism was at the *end* and *close* of his *life*. For speaking of *Constantine*, he saith, *Cui baptismi gratia in ultimis constituto, omnia peccata dimisit*; which expressions have *puzzled Baronius*, nor can they be referred, as he and *Binius* would have them, to any time of sickness but his last. Ambr. in fun. Theod.

5. And that Synod held at *Ariminum* in *Italy*, in the reign of *Constantius*, consisting of the *Western Bishops*, which held the Faith of *Nice*, declared their resolution in their *Synodical Epistle* to *Constantius*, which is extant in *Athanasius*, *Socrates*, *Sozomen* and *Theodoret*, not to *innovate* any thing in that Faith, which *Constantine with all accurateness and strictness of examination did publish*, μετὰ πάσης ἀκριβείας Athan. de Synod. Socr. l. 2. c. κζ'. Theod. l. 2. c. 19.

B.1.C.4 βείας καὶ ἐξετάσεως, τὴν συγγραφεῖσαν πίστιν
Soz. l. 4. c. 17. ἐκτεθεικότα, *whose memory deserved to be famous after his death, and who after his baptism* (to wit, into this faith) *was taken from among men, and went into*
Ubi supra. *peace.* But *Baronius* and *Binius* to avoid this testimony, undertake to *correct* this Epistle, and instead of *Constantine* read *Constans*, pretending that it is so read in *Athanasius*; to which, because this testimony is considerable, I shall return two things. 1. That it is indeed true, that the *latine translation* of *Athanasius*, hath *Constans*, but the Greek in *Athanasius* readeth it *Constantine*; and it is very unreasonable, that the *original Greek* of *four* several *Authors*, should be corrected, only from the different reading of one *latine translation* of much later date, and possibly *altered* with design. 2. That the words mentioned in that Epistle, cannot be applyed to any other *Emperour*, but only to *Constantine the Great*, of whom
Socr. Hist. Eccl. l. 1. c. 6. they were discoursing. In his time and much under his care, the *faith of Nice* was published and *promulged*, which is oft expressed by ἐκτίθεσθαι, and he himself *declared*, concerning his care about it at *Nice*, τὴν ἀληθείας ἐξέτασιν ἀνεδεξάμην, and then ἀκριβῶς ἐξήτασα, which words of his, the Synod at *Ariminum* did probably *allude* unto.

6. Now

6. Now againſt all this great evidence, they who oppoſe it, do not *produce* the authority of any one ancient genuine *Catholick Writer*. But they bring forth ſuch *ſpurious ſtuff*, as the acts of *Silveſter*, and *Liberius*, which are manifeſtly *fabulous*: inſomuch that *Baronius* acknowledgeth, *in complura veritati manifeſte adverſantia ineſſe, perſpicuo demonſtratur*, with other words of like ſevere cenſure. They alſo urge a pretended *Preface*, to a Council at *Rome* under *Silveſter*, which ſpeaketh of *Conſtantine* being *baptized* by *Silveſter*. But they have not theſe words, from any Copy of ſuch a *Council* it ſelf, but from a Writing of an uncertain Author, intituled, *Epilogus brevis, &c.* of which *Binius* confeſſeth, *hujus Epilogi initium de mendacio ſuſpectum redditur*; that *the beginning of this writing is under a ſuſpicion of being falſe*. They alſo have recourſe unto *Zoſimus*, a Greek Hiſtorian; but from him they produce nothing, of the *baptiſm* of *Conſtantine*, but he telleth a manifeſtly falſe and ſlanderous ſtory, of the occaſion of *Conſtantines* firſt reſolution of *embracing Chriſtianity*; and both the acts of *Silveſter*, and the words of the *Preface* above-mentioned do encline to the ſame thing. But *Zoſimus* being a bitter *Enemy* to Chriſtianity, is de-

Sect. 4.

An. 315. n. 12, 13, 14, 17.

Not. in Conc. Rom. 2. ſub Silveſt.

B. 1. C. 4. An. 306. n. 18. & an. 313. n. 15. & paſſim.

clared by *Baronius*, when he writes concerning things of the *Chriſtian Religion*, to be an evident *depraver* of truth, *manifeſtus proditor veritatis, & in Conſtantinum iniquiſſimus*, with other expreſſions of like nature. And the pretence that the *Font* is yet to be ſeen at *Rome*, in which *Conſtantine* was *baptized*, being againſt ſuch great evidence, deſerves no more aſſent, than the moſt *fabulous ſtories*, concerning ſuch *religious reliques*, as do ſerve only to *impoſe* upon the credulous vulgar.

7. But that argument which they ſeem to be moſt earneſt in is, that if *Conſtantine* was baptized at *Nicomedia* where *Euſebius* a chief Ringleader of the *Arians* was then *Biſhop*, this would caſt an high aſperſion upon that good Emperour, who muſt, ſay they, then be concluded to dye in the *Arian*, and not in the *Catholick Communion*. Now it might be ſufficient to ſay, that by this ſame argument, they might as well prove all the *Nicene Council*, to be *Arians*, as this good Emperour; ſince they ſate, and no doubt received the *Communion* at *Nice*, where *Theognis* was Biſhop; who was the conſtant Companion and *Confederate* with *Euſebius*, in managing the *Arian* deſigns. But I ſhall further add two things. 1. That it might be poſſible,

ſible, that his *baptiſm* was not received from the hands of this *Euſebius*, *Euſebius Pamphilus* declaring, that there were *divers Biſhops* at that time called to *Nicomedia*, and *Gelaſius* who was a famous Biſhop of *Paleſtine* in that Century, declaring, that he was not baptized by an *Arian*, but by one who embraced the *Catholick faith*, as his words in *Photius*, cited by *Scaliger*, do plainly expreſs. 2. That if it ſhould be admitted, that he was *baptized* by this *Euſebius*, as is indeed expreſſed in the Chronicon of S. *Hierome*, and in the ὄπλομὴ χρόνων, publiſhed by *Scaliger*, with the Chronicon of *Euſebius*, yet this will by no means charge him with *Arianiſme*. For 1. This *Euſebius* of *Nicomedia*, had then ſubſcribed the faith of *Nice*; and though he and *Theognis* were once *depoſed* by that Council, yet upon their profeſſed ſubmiſſion to the *faith* thereof, they were again *reſtored* and received, as S. *Hierome* acquaints us: and the *form* of their *ſubmiſſion* is extant in *Socr. Hiſt. Eccl. l.* 1. *c.* 10. and *Sozom. l.* 2. *c.* 15. And though this *ſubmiſſion* of his, was as *Theodoret* tells us, out of an *ill deſign*, this is no way to be *imputed* to the *Emperour*. 2. The *faith* of the Council of *Nice* was then publickly *eſtabliſhed*, and the Fathers at *Ariminum*

Sect. 4. De Vit. Conſ. l. 4. c. 61, 62.

Scalig. in Euſeb. Chron. p. 251.

Hier. adv. Lucif.

Theod. Hiſt. Eccl. l. 1. c. 19.

B. 1. C. 4. above-mentioned, do ſufficiently intimate his being *baptized into it*. 3. He then appeared a manifeſt friend, to the Catholick Biſhops, who held to the *Council of Nice*, in that at the time of his death at *Nicomedia*, he deſigned to *recal Athanaſius* from his baniſhment, though *Euſebius* of *Nicomedia* perſwaded the contrary, as *Theodoret* (with whom *Athanaſius* himſelf agrees) doth acquaint us. 4. *Nicomedia* was not the place he intended for his *Baptiſm*, but *Jordan*; but his ſickneſs of which he died ſurprizing him here, left him no liberty to chooſe any other place.

Theod. ibid. c. 32. Athan. Apol. 2. ex lit. Conſt. filii.

8. I ſhall now only add, that according to this evidence, all the actions of *Conſtantine*, expreſſed in the former Section, were performed before his *baptiſm*. But if any ſhall embrace the contrary opinion, which I reject as falſe and groundleſs, many of thoſe actions will ſtill be previous thereto. And therefore this *Princes authority* and duty, to take care of things Eccleſiaſtical, was not the effect of his undertaking *Chriſtianity*, but was contained in the general authority of his *imperial Soveraignty*. Yet I doubt not but this fiction of *Conſtantines* being *baptized* at *Rome*, and the other of his *Donation*, are two Twins, being both of them the ſpurious and

and illegitimate off-spring, of a luxuriant fancy, impregnated by a Romancing *Incubus*. And the large form of his *Donation*, not that in *Balsamon*, but in *Binius*, expresseth the Baptism of *Constantine* by *Silvester*. But this *Donation* is now justly rejected as a manifest forgery, by their own learnedest Writers, as *Morinus*, and *P. de Marca*, the latter of which supposeth some of the *Popes themselves*, about the eighth Century, to be accessory to the *framing* and *obtruding* this *imposture*. Sect. 4. Bin. Tom. 1. p. 296. De Concord. l. 3. c. 12. n. 3, 5.

CHAP. V.

An Account of the ſenſe of the ancient Chriſtian Church, *concerning the authority of Emperours and Princes in matters of Religion.*

SECT. I.

Of the general exerciſe of this Supremacy; and of its being allowed by the Fathers of the firſt General Council of *Nice.*

1. IT is acknowledged, that the truths either of *Chriſtian doctrine*, or of natural *reaſon*, do not principally depend upon the conſent of men. It is not to be decided by the *voice* of the World, whether the only *true God*, and he alone, ought to be *worſhipped*; nor did it depend upon the *vote* of the Jewiſh Prieſthood or *Sanhedrim*, whether *Jeſus* was the true *Meſſias*. And upon this account, the *Gentile Deities* were deſervedly derided by *Tertullian*, who had no other title thereto, than by the vote of the Senate; *niſi homini placuerit Deus non erit.*

Tertul. Ap. cap. 5.

2. But

2. But yet none can be expected, to give a better and more ſure account of the *doctrines* and *duties* of *Chriſtianity* than thoſe who have been the *profeſſors*, and practiſers of that Religion, in the *purer times* thereof. And therefore there is ſuch a juſt reſpect and reverence due to the *primitive* Chriſtian Church, and the aſſiſtance of the *divine grace* which guided and influenced it, that that which was generally received therein, hath thereby a very great and *conſiderable teſtimony* of its being a truth, eſpecially where there are alſo other great arguments, and evidences to evince the ſame. And in ſuch things, it may well be allowed, according to Dr *Hammond*, among the *pie credibilia*, that a truly *general Council* ſhall not *err*. And even thoſe perſons who have no due regard, either to *antiquity*, or the authority of the *Chriſtian guides*, will manifeſt their great pride, if they will reject and contradict the general *ſenſe* of the *Church*, unleſs it be upon very clear and manifeſt evidence to the contrary. But ſuch who pretend, as the Romiſh Church doth, a reverence and high veneration for *Tradition*, are thereby the more concerned not to diſclaim what hath been ordinarily and *plainly delivered*, in the ancient Church. Sect. 1.

Dr. Hammond *of Hereſy. Sect.* 14.

B. 1. C. 5. 3. Now to give an account of the sense of the *particular Fathers* in this place, would be a more long and tedious work than would be needful. And indeed the minds of many of them may sufficiently be discerned, by their *plain expressions* mentioned in several parts of this discourse. Nor will I insist upon those commonly observed, and very *expressive sayings*, concerning Supremacy in general; as that of Apol. c. 30. & 33. cont. Parm. l. 3. *Tertullian* (Imperatores) *in Dei solius potestate sunt, à quo sunt secundi, post quem primi*; and *majestatem Cæsaris Deo soli subjicio*; and that of Optatus, *super Imperatorem non esse nisi Deum qui fecit Imperatorem*, which very plainly assert, that the Emperour was under none, but only God himself. But I shall apply my self to such things, as will enclude the more general, and *publick acknowledgment* of the Christian Church: and shall then answer what may be objected in this particular.

4. The actual *exercise* of *Government* in the ancient Christian *Realms*, is somewhat considerable to this purpose. That the Christian Emperours did *exercise authority* in matters *Ecclesiastical*, is manifest from the *Ecclesiastical Constitutions* of the Roman Emperors, which are yet to be seen in the *Codex* and the *Novellæ Justiniani*,

Cod. l. 1. Tit. 1, 2, 3, 4, 5, &c.

ſtiniani. Wherein among other things, there are laws eſtabliſhing the Catholick *faith*, and the doctrine of the *Holy Trinity*, ſo as not to allow any to contend againſt it; as alſo concerning the manner of *Ordinations*, *Excommunications*, and *Abſolutions*; and the duty of the *Clergy*, even of *Biſhops*, *Archbiſhops*, and *Patriarchs*. And in theſe and other particulars, the *Nomocanon* of *Photius* doth deſignedly ſhew, how the *Imperial law* doth provide for various Caſes, concerning which the *Canons* of the Church alſo had taken care. Sect. 1. Novel. 6. & 123. & paſſim. Phot. Nomoc. Tit. 1. &c.

5 The Laws of like nature are alſo yet extant, of the Kings of *France*, and other Realms abroad. And in our own Kingdom the *Eccleſiaſtical laws* of *Ina*, *Alfred*, *Edgar*, *Canutus*, and *Edward* the Confeſſor, may be ſeen in Sir *H. Spelman*. The Laws made and executed by Chriſtian Emperours againſt *Arians*, *Neſtorians*, *Manichees*, and others guilty of *Hereſy* or *Schiſm*, were very many; and the proceedings by the *Imperial law* againſt the *Donatiſts* was in divers places defended by S. *Auſtin*. And that all the godly Emperours of old, even from the beginning of the Emperours profeſſing Chriſtianity, did take ſuch care of the *Church*; that the affairs thereof, and the *matters of Religion*, *Kings anciently governed in things Eccleſiaſtical.* Spelm. Conc. Vol. 1. Aug. Ep. 50. 162, 164, 166. De correct. Donatiſt. & paſſim.

B. 1. C. 5. Socr. Procem. l. 5. Hist. Eccl.

ligion, were very much ordered by their *authority*, is plainly declared by *Socrates*. And this is a thing so manifest to all who look into the History and Records of those Times, that it is as needless to go about to prove this, as it would be to prove them to have been *Christian Emperours*.

6. But that which will give the most evident Declaration of the *sense* of the *Christian Church*, is the considering how this *authority* of *Christian Princes*, hath been acknowledged and complyed with by *Councils*, and by those especially, which were the first general or *Oecumenical Councils*. For whilest the opinion of some *particular fathers*, may possibly be thought not sufficient, to give a satisfactory account, of the *general sense* of the *Christian Church* in those days; and whereas the proof produced from the *Imperial laws*, and the constant *exercise* of the *Emperors authority* in affairs of *Religion*, may possibly fall under a suspicion of undue *encroachment* or may be pretended by some, to be executed by an authority dependent upon, and derived from some *Ecclesiastical Officers*; no such exceptions can lie against the *concurrent testimony*, and acknowledgment of the chief *general Councils*, in the flourishing times of Christianity.

nity. And I ſuppoſe that no man will deny, that the *aſſembling of Oecumenical Councils*, and the matters therein tranſacted, were properly things Eccleſiaſtical. Sect. 1.

7. And here I ſhall begin with the firſt *Council of Nice*, concerning which I ſhall need to ſay the leſs, becauſe many things mentioned in the third Section of the foregoing Chapter, do ſufficiently manifeſt the *Supremacy* exerciſed by *Conſtantine*, the firſt Chriſtian Emperour, in whoſe Reign that Council ſate. That this general Council was *called* by the Command of *Conſtantine* the Emperour is expreſly declared by *Euſebius*, with whom *Socrates*, *Theodoret* and other ancient Hiſtorians do agree. But the later *Romiſh Writers* would perſwade the World, that it was aſſembled by the authority of the *Romiſh Biſhop*. So *Binius*, *Authoritate Silveſtri Romani Pontificis*, &c. *By the authority of* Silveſter *Biſhop of* Rome, *this holy Synod was ſummoned*, and was gathered together by the *conſent, help, and Counſel of* Conſtantine *the Emperour*. And *Baronius* likewiſe declares, that no man may doubt, but that the *authority of Silveſter* was in this caſe *interpoſed*. But in truth they produce nothing, that can juſtly be accounted any evidence hereof. *This Supremacy owned by the Council of Nice.* Euſ. de Vit. Conſt. l. 3. c. 6. Bin. in Not. in Conc. Nicen. Not. a. Baron. an. 325. n. 13.

8. But

B. 1. C. 5. 8. But that it may appear past all doubt, by whose *authority* this Council was *convened*, we have a twofold *testimony* beyond all exception. *Constantine* himself, who was able to give an account of his own actions, in his *Epistle* to the Church of *Alexandria*, which is extant in *Socrates*, declares that it was he who *called this Council*. And the *Synodical Epistle*, which was written by the Council of *Nice* to *Alexandria*, which may be seen in *Socrates* and *Theodoret*, doth attest the same; and therein the *Fathers of Nice* themselves, who could not but know who summoned that Council, declare that it was gathered together, by the grace of God, and by the Religious *Emperour Constantine*, συναγαγόντος ἡμᾶς, who called us together out of divers Provinces and Cities.

Socr. Hist. l. 1. c. 6.

Ibid.

Theod. Hist. l. 1. c. 9.

9. That the most *eminent Bishops*, from the several quarters of the Empire, did with much readiness repair to this Council, according to the *Emperors command*, is particularly attested by *Eusebius*, and other Historians. Yet it is not to be doubted, that if they had *received summons* and *command* from a person, whom they knew to be inferiour and not superiour to them, as a *Presbyter* or *Deacon*, they would never have yielded general *obedience* to him, but would have *rebuked* and repressed his *insolence*;

Euseb. ubi sup. c. 6, 7.

inſolence; and therefore this their *obedience* to the Emperour, was an *acknowledgment* of his authority and *ſupremacy*. And this is the more remarkable, becauſe theſe *Nicene Biſhops* were perſons of the higheſt *worth* and eſteem, of any in the Chriſtian Church, which appears from the general fame, and deſerved *honour*, which this Council hath *obtained*, in all ſucceeding ages unto this day. Sect. 1.

10. And the chief occaſion of *calling* this *Council*, was by reaſon of the evil opinions of *Arius*, and the difference about the day for *obſerving Eaſter*; which things the Emperour conſidering, thought this the only effectual way for the *redreſſing* them, and thereupon *directed* this Council, particularly to *conſult* about them, which was accordingly done. And whileſt this *Council* was *ſitting*, the Emperour who was preſent with them, uſed very great *care* and diligence, for the *ſuppreſſing* unneceſſary occaſions of *diſcord* and quarrel, and for the *promoting* the deſired concord thereof. Socr. Hiſt. l. 1. c. 6. gr. Euſ. de Vit. Conſt. l. 3. cap. 12, 13.

11. And when this Council was ended, *Conſtantine enjoined* the obſervation of what was eſtabliſhed thereby, to take place in all, even in the moſt *remote Provinces* of his Empire. He alſo gave his *Imperial Sanction*, to the *Decrees* of this Council, Euſ. ib. c. 18.

B. 1. C 5. Euſ. ibid. c. 22. Council, confirming them by his *Imperial Seal*, which *Euſebius* expreſſeth, τῷ τῶν σωθέντων δόγματα κυρῶν ἐπισφραγίζεσθαι. And both the *Nicene Creed* and its *Canons* are confirmed in the Civil Law, in the *Codex* and *Authentica*.

SECT. II.

This Supremacy owned in the ſecond General Council at Conſtantinople, *and the third at* Epheſus.

Socr. l. 5. c. 8. Soz. l. 7. c. 7. *The Council of Conſtantinople.* 1. That the ſecond general Council at *Conſtantinople*, was ſummoned by the Emperour (viz. *Theodoſius*) is declared, both by *Socrates* and *Sozomen*. But *Baronius*, though he had a little before cited the expreſs teſtimony of *Socrates*, againſt his aſſertion, would have us believe, that it was *called* by the authority of *Damaſus*, and produceth ſome ſmall appearances of argument for the proof thereof; and tells us, there is an ancient *Manuſcript* in the *Vatican*, and ſome other Libraries, which declareth ſo much. And *Binius* making uſe of the ſame Plea, is ſo earneſt and fierce, that he ſaith, *Nemo niſi pertinax hæreticus, aſſeveret hoc Concilium ab Imp. indictum fuiſſe*, *Let no man unleſs he be an obſtinate Heretick, aſſert that this Council*

Bar. an. 381. n. 19, 20. Bin. Not. in Conc. Conſt. not. 1

Council was ſummoned by the Emperour. Sect. 2.

2. Yet all this is a plain inſtance, whereby we may clearly ſee, how little credit is to be given to the ſpecious pretence of *Vatican Manuſcripts*, or to the confident *aſſertions* of ſuch Writers, or their little *forced Arguments*. For there is only one *Epiſtle* of this *General Council*, produced both by *Binius* and *Baronius* in Latine; and in this Epiſtle themſelves declare again and again, unto *Theodoſius* the Emperour, that they were *convened* by his *authority*. They tell him in one of their expreſſions, *Mandato tuæ pietatis Conſtantinopoli convenimus*, and in another, *Literis quibus nos convocaſti, Eccleſiam honore proſecutus es*. So that they aſſembled by the Letters and Mandate of the Emperour, which they accounted an honour to the Church, who were no *obſtinate Hereticks*.

Epiſt. Synod. ad Theod. in Bin. & Bar. an. 381. n. 37.

3. And indeed though the *calling* of General Councils, be now with ſome eagerneſs claimed, by many of the Romiſh Writers, as a *prerogative* of the *Pope*; yet the late *Archbiſhop* of *Paris* hath acknowledged, that the firſt who pretended any right hereunto, was *Pope Nicholas* about the year 865. And he hath ſufficiently evidenced, as others alſo have done, that thoſe

De Concord. l. 6. c. 28. n. 12.

B. 1. C. 5 Ibid. l. 3. c. 5. those *Decretal Epiſtles*, which are ſaid to be of a more early date, and expreſs any ſuch authority to be in the *Pope*, are certainly *ſpurious* and ſuppoſititious.

Theod. Hiſt. Eccleſ. l. 5. c. 9. 4. And in this *ſecond Council*, it is manifeſt, that during part of their Seſſion, the Emperour *Theodoſius* was *preſent* in the Council, as is affirmed in a Synodical Epiſtle, from *Conſtantinople* to *Damaſus*, written by many of the ſame Fathers, at *another Council*, the year following, which is to be ſeen in *Theodoret*. And the choice of the *Biſhop* of *Conſtantinople*, which was part of the buſineſs that Council was to undertake, was there *determined* by the *Emperour* himſelf, who requiring the Biſhops preſent, to give him a *Catalogue* of ſuch perſons, as they thought fit to *nominate*, he reſerved to himſelf the *election* of one out of this number, and fixed upon the name of *Nectarius*, who was the laſt in that Catalogue, who thereupon was made *Biſhop* of *Conſtantinople*.

Sozom. Hiſt. Eccl. l. 7. c. 8.

Ep. Synodal. ubi ſupra. 5. When this Council was ending, in their *Synodal Epiſtle* to the Emperour, they give him an account of what they have done, ſent him a Copy thereof, and pray him that by his Letters, he would *confirm* the *Decrees* of that Council, and that by his commands they may be of force, *ratum eſſe jubeas, confirmeſq; concilii decretum*:

decretum: and that he would ſtrengthen the things which they had *decreed* and concluded, by his *ſentence* and *ſeal*. And after this in *confirmation* of the determinations of this Council, the Emperour added his *ſuffrage* and *conſent* to what they had done, ὁ βασιλεὺς ἐπεψηφίσατο. And he alſo *eſtabliſhed a law*, that all the Chriſtian Churches ſhould be committed to them only, who confeſs the ſame divine nature, of the *Father*, the *Son*, and the *Holy Ghoſt*. Sect. 2. Socr. l. 5. c. 8. Sozom. l. 7. c. 9.

6. That the third General Council of *Epheſus*, was ſummoned by the authority of the Emperour, *Theodoſius* the younger, is atteſted both by *Socrates*, and *Evagrius*. And though they who eſpouſe the intereſt of the *Romiſh Biſhop*, do here likewiſe plead for its being convened by *his authority*; there are ſo many *Synodical Epiſtles* of this Council, taken notice of both by *Binius* and *Baronius*, wherein they aſſert themſelves to be aſſembled by the *command* of the *Emperor*, that he that hath either *honeſty* or a *face*, may well be aſhamed to aſſert the contrary. And indeed touching the *calling* this Council, and the exerciſing of the *Imperial ſupremacy* concerning it, I ſhall not need to take notice of any thing further, than what is related, and aſſerted for truth by *Baronius* and *Binius*. *The Council of* Epheſus. Socr. l. 7. c. 33. Evagr. l. 1. c. 3.

B. 1 C. 5. Act. Conc. Eph. Tom. 4. c. 17. Edit. Pelt.

7. They write themſelves to be met together by the Emperours Authority, in their *Epiſtle* to the *Clergy* of *Conſtantinople*, and in their *Encyclick Epiſtle*, and in their Epiſtle to the *Emperour*. And in their Epiſtle to *Cœleſtine* then Biſhop of *Rome*, they tell him (not that they were convened by his authority, but) that they were *met together, according to the will of our Saviour, and the Sanction of the moſt pious Emperours* (*viz. Theodoſius* the Second, and *Valentinian*) *at the day of Pentecoſt*. And they go on to tell him that this was *the day which the Decree of the Emperour, by which they were called together, did ſix for their firſt Seſſion*, with ſeveral other expreſſions to the ſame ſenſe. And *Cœleſtine* himſelf, in an Epiſtle to *Theodoſius*, which *Baronius* hath publiſhed, telleth the Emperour, that he did *afford his preſence* by thoſe Deputies he ſent, *huic Synodo quam eſſe juſſiſtis, to this Synod which you have commanded to be held.*

Baron. an. 431. n. 12.

8. And the Emperour firſt ſent *Candidianus* a Count, and afterward others, to be *preſent* in this Synod, not that he ſhould give any *vote* in matters of *faith*, but to take care of the peaceable and *orderly proceeding* of the Synod. And alſo to provide, that no other buſineſs ſhould be *propounded*,

Baron. ib. n. 45, 46.

pounded, till thoſe things chiefly deſigned were *determined*. And alſo that he ſhould not ſuffer any perſons of that Council, who were *ſummoned* thither by the Emperour, to depart thence, till the Council had finiſhed what was before them: all which things are manifeſt, from the *letter* of the Emperour himſelf to this purpoſe, *directed* to the *Council* it ſelf. Sect. 2.

9. And when *Candidianus* did *miſrepreſent* the actings and proceedings of the Synod unto the Emperour; thereupon not only *Neſtorius* who was *depoſed* by this Council, but even *Cyrillus* alſo who was *Patriarch* of *Alexandria*, and *Preſident* of this *Oecumenical Council*, and *Memnon* Biſhop of *Epheſus*, and a man of principal note and reputation in that Council, were by the *Emperours authority*, through miſ-information, committed to *priſon*. The Emperour alſo declared againſt their management of what was before them, and tells them with ſharpneſs, *Our Majeſty cannot eſteem ſuch things as valid and lawful, yea it doth Decree, that all ſuch things which in a diſorderly manner have hitherto been acted, ſhall be accounted as void and altogether null.* Ibid. n. 128, 129. Conc. Eph. Tom. 3. c. 17.

10. In this caſe the Council did not *exclaim*, or contend againſt the *Emperours authority*, as having nothing to do over

B. 1. C. 5. *Bishops*, or members of a *general Council*, or their *proceedings* therein; but they apply themselves to the Emperour, to entreat him to take a true and *just account* of what they had acted. And according to the Emperours *command*, they send *delegates* or Deputies to *Constantinople*, to acquaint him with the true state of things; and thereby they gave him full *satisfaction*. And after they had finished their *decisions*, they make their *application* to the Emperour, that he would undertake to *confirm* them, and give his consent unto them, *ut vim suam integre obtineant*, that they might be of full force.

Conc. Eph. Tom. 4. c. 10.

Baron. an. 431. n. 147. &c.

Conc. Eph. Tom. 4. c. 8. & 14.

SECT. III.

Of the same being acknowledged in the Council of Chalcedon, *and some others.*

The Council of Chalcedon. The fourth *General Council* was *called*, upon occasion of the spreading of the Heresy of *Eutyches*. When this *Heresy* began to be *propagated*, *Leo* then Bishop of *Rome*, addressed himself to *Theodosius* the second then Emperour, by way of *Supplication*, that he would *command* a general Council to be called in *Italy*. But the Emperour

C. C.

Leo. Ep. 9.

Emperour fixed upon *Epheſus* for the place of a general Council, and expected the preſence of *Leo* there; and the *Imperial Edict*, whereby he ſummoned this Epheſin Council, is extant. But *Leo* in two Epiſtles to *Theodoſius*, and one to *Pulcheria* the Empreſs, excuſeth his *perſonal abſence*, partly from the ſhortneſs of the time of his notice, and chiefly from the neceſſity of his not being ſo far from his own Church, in a time of ſuch publick danger (from the *Hunns*). And he declareth, that he had ſent thoſe *Deputies*, who ſhould *ſupply* his preſence there; which he tells the Emperour he did, as an expreſſion of *obedience* to his *command*, *ut Clementiæ veſtræ ſtatutis aliquatenus pareatur.* Sect. 3. Baron. an. 449. n. 23. Præamb. Epiſt. in Synod. Chalc. Leo. Epiſt. 12, 13. 17. m.

2. But when this *Epheſine* Council was *packed*, by the intereſt of the faction of *Dioſcorus*, and managed in favour of *Eutyches*, and their deciſions were contrary to the truth of the Chriſtian doctrine; *Leo* both ſingly, and with a *Roman Synod*, writeth to *Theodoſius*, that he would *command* all things to be in the ſame ſtate they were in before this *deciſion*, until a *more general Council* could be called. And he deſireth by way of *Petition* to the Emperour, that that Council might be called in *Italy*; and reneweth this his *ſupplica-* Leon. Epiſt. 24, 25. Epiſt. 23. & 33.

B. 1. C. 5. *tion*, both directly to the Emperour *Theodosius*, and by the *Clergy of Constantinople*, to whom he writeth, that they would use their interest with the Emperour to this purpose.

3. But *Theodosius* dying in the mean time, and *Marcianus* succeeding in the *Eastern* part of the *Empire*, *Leo* still continued his desire, that the place for a general Council might be appointed in *Italy*, but that it might be at present *deferred*, because of the great calamities, which some parts of the Empire sustained, by the incursions of the *Hunns*. But the Emperour would not admit of any *longer delay*, and thought fit to fix upon a place remote from *Italy*, for the Council to meet, by his *Imperial Summons*: or as *Victor*, the African Bishop, expresseth it, *imperiali authoritate denunciavit*. And *Leo*, so soon as the Emperours pleasure herein was signified to him, appointed his *Legates*, to supply his presence in that Council.

Leon. Ep. 49, & 50.

Victor Turun. in Chron.

4. And this fourth *Oecumenical Council* of *Chalcedon*, was first appointed to meet at *Nice*, as is observed by *Evagrius*, and the same thing is expressly contained in the *Edict*, by which the Emperour did *convene* them, which is yet extant, wherein also *Marcianus* declares his resolution, of being present with them at *Nicè*, at the time

Evagr. Hist. Eccl. l. 2. c. 2.

Præamb. Epist. in Syn. Chalc.

time appointed for their aſſembling. But when the *troubles* of the Empire hindred the Emperour from removing ſo far from *Conſtantinople*, the Biſhops who were convened at *Nice* at the time appointed, *waited* ſeveral days for the *Emperours coming*, and after Letters diſpatched unto him, the ſeat of this Council was by his Order removed to *Chalcedon*, a City nearer to *Conſtantinople*, where *Marcianus* was preſent with them. And he wrote two ſeveral Letters to them, requiring them to make this *removal*, which they accordingly obeyed. Sect. 3. Baron. 451. 9. Ear. ibid. n. 31. V. Præamb. Epiſt. ubi ſup.

5. And that this Council of *Chalcedon* did aſſemble and ſit by vertue of this *Imperial ſummons* and authority, is declared by themſelves divers times, in almoſt every *action* of that Council. And in the time of its Seſſion, the *Imperial ſupremacy* was ſo much *acknowledged*, that there were ordinarily preſent in the Council, ſome eminent perſons of *ſecular authority*, who were to have an inſpection into, and to take care about the orderly proceedings thereof, not intermedling to *vote* in matters of *faith*. Theſe are oft mentioned in the ſeveral *actions* of that Council, by the honourable title of *Glorioſiſſimi judices*, and *ampliſſimus Senatus*, and their names and offices in the Empire are Conc. Chalced. Action. 1. &c.

B. 1. C. 5 Action. 1. expreſſed in the beginning of that Council. And they ſometimes *propoſed queſtions* to be diſcuſſed, or a *method* for their proceedings, and ſometimes declared their *ſenſe* of things. But this I ſuppoſe was only done here (as the like alſo in the *third general Council*) to provide a *remedy*, againſt the inconveniencies which might happen from the *Biſhops* of the adverſe parties, being prone without cauſe to *complain* of the proceedings of the *Catholick Biſhops*; and to deſign *croſſneſs* and oppoſition againſt them: and unleſs ſuch an extraordinary caſe may plead for it, this inſpection of ſuch *ſecular perſons*, cannot be regular or expedient.

Evagr. l. 2. c. 18. 6. In this Council thoſe of the party of *Dioſcorus* and *Eutyches*, whom this Council rejected, were cenſured with the *approbation* of the Emperour. And *Leo* in an Epiſtle to *Marcianus*, after the end of this Council, acknowledged, that it was he chiefly who effected the *extirpation of hereſy* thereby, *veſtro præcipue opere eſt effectum &c.* The reſtoring them who were cenſured by *Dioſcorus* and his party was alſo done with the *Emperours conſent*. And at the Emperours deſire were the *Canons* of that Council made, ἀπὸ προσώπου τοῦ βασιλέως ἐτέθησαν κανόνες.

Leon. Ep. 69.

Evagr. l. 2. c. 4.

Ibid. c. 18.

Conc. Chalc. Action. 3. 7. And after this Council was ended, both

both *Valentinian* and *Marcian* jointly, and again *Marcian* ſingly, publiſh their *Imperial Edict*, for the *eſtabliſhing* the *faith and doctrine*, which was declared in this Council, and ſignifying to all their ſubjects, that whoſoever ſhall *oppoſe* this their *decree*, ſhall not remain in any *Eccleſiaſtical preferment*; and if he be of the *Militia* he ſhall be *caſhiered*, with other penalties for other perſons. Sect. 3. Sacra Marcian. in fin. Conc. Chalc.

8. And whereas after the death of *Marcianus*, the *Eutychian* party favoured by *Anatolius* of *Conſtantinople*, deſired to make new ſtirs, and *projected* in their thoughts, to have a new *Council called*, that theſe matters might be again canvaſed and debated; *Leo* ſtill Biſhop of *Rome*, makes his *ſupplication* to the Emperour *Leo*, entreating him not to ſuffer any new *diſquiſition* of that truth, concerning the *humanity* of our *Saviour*, which had been ſo fully *determined* in the Council of *Chalcedon*. Leon. Ep. 73, 74, 75.

9. Some of theſe matters relating to this Council I have the more particularly mentioned, becauſe they not only ſhew the *ſupreme authority* of the Emperour, about matters *Eccleſiaſtical*, to have been owned and complyed with by a *general Council*; but even by that Council, whoſe *number* of *Biſhops* did almoſt equal the number of

B.1.C.5. of all the three former general Councils joined together. And alſo becauſe this doth ſhew the ſame to have been ſufficiently *acknowledged*, by the then *Romiſh Biſhop*, even by *Leo*, who was a man of great *courage*, boldneſs and activeneſs, and far enough from being charged with any *puſillanimity*, and lowneſs of ſpirit.

10. And beſides other things, there is obſervable from this ſhort account, concerning theſe *Councils*, 1. That all the *Fathers* of theſe ſeveral *general Councils*, acknowledged the *authority* of the Emperours to take care of the *Church* and Religion, and to *command Biſhops* with reſpect thereto; in that they readily *obeyed* their *commands*, in meeting together at the time and place appointed by the *Imperial authority*, to conſider of matters of *Faith* and *Religion*. 2. That they acknowledged that theſe *Councils* when met, were in the firſt and chief place to *diſcuſs* thoſe matters of faith or order, for which they were ſummoned by the Emperour, appeareth from them all. And that at the time of their *aſſembling*, they ſhewed ſo great reſpect to the Emperour, that in expectation of his preſence, they deferred the *opening the Council*, till they heard from him; and in *obedience* to his pleaſure, and by his authority, the *Seat* of the

What power the four firſt general Councils gave to Princes in Eccleſiaſtical caſes.

the *General Council* was removed from one place to another, is particularly evident in the *fourth Council.* Sect. 3.

11. Thirdly, That they thought themſelves *obliged*, when they ſhould be required ſo to do, to give an *account* of the manner of their *proceedings*, in theſe general Councils, unto the *Emperour*. And that though they were in *Council*, and about matters *Eccleſiaſtical*, they were ſtill ſubject to the Emperours *laws*, and his *coercive authority*, as is manifeſt from the *third general Council*. 4 That they thought matters *Eccleſiaſtical* and the deciſions of the *Church*, a fit ſubject to receive the civil *Sanction*, and eſtabliſhment of the ſecular power. And that they eſteemed ſuch a *Sanction* to be of great moment, to *add weight* to their Conſtitutions, doth appear from them all; and particularly from the *ſecond* and *third general Councils.*

12. I omit all large diſcourſe of other *Councils*, which might eaſily be performed, and many things alſo in theſe Councils which might be worthy obſervation. But whoſoever will read the προσφωνητικὸς of the *ſixth General Council*, to the Emperour *Juſtinian*, and their *firſt Canon*, will diſcern them to have the ſame *reverence* for their *Prince*, which theſe former Councils

Conc. Trull. can. 1.

B. 1. C. 5. Councils had. And amongſt Provincial Councils, that of *Mentz* did acknowledge *Charles* the Great, to be *veræ Religionis Rector*, and *Defenſor Sanctæ Dei Eccleſiæ*, and *Sanctæ Eccleſiæ Rector*. And the Council of *Merida* in *Spain*, not only allowed *Receſſuinthus* their King, *Eccleſiaſtica diſponere*, to *order matters Eccleſiaſtical*, but alſo that he did, *ſapientia divinitus conceſſa, regere Eccleſiaſtica, govern matters Eccleſiaſtical.*

Conc. Mogunt. an. 813. in præf. ad Imp.

Conc. Emer. in Præfat. In fin. Conc.

SECT. IV.

Some Objections *concerning the Caſe of* Arius, *and* Arianiſm, *conſidered.*

2. Obj.

1. There are ſome things which have the appearance of arguments, to prove that the ancient Chriſtian *Biſhops* did not *own* the *Supremacy* of Princes, in matters *Eccleſiaſtical*. And the reflecting upon theſe may be of good uſe, to give us a *right underſtanding* of that *Supremacy*, which hath been acknowledged in the *Chriſtian Church*. To which purpoſe, I ſhall here conſider two Objections concerning the *Arian* Controverſies.

The Caſe of Arius.

2. *Obj.* 1. When *Conſtantine* the Emperour, upon the Oath and ſubſcription of *Arius*, to the Faith aſſerted in the Coun-

cil

cil of *Nice*, did again and again give his commands to *Athanaſius*, with Menaces annexed, that he ſhould receive *Arius* again unto the Church of *Alexandria*, *Athanaſius refuſed* to do this, notwithſtanding theſe *Precepts* of the Emperour. And the Catholick Biſhops juſtified him, and *refuſed communion* with them who took part with *Arius*, which ſeemeth to diſown the *ſupreme Government* of the Emperour, in Cauſes Eccleſiaſtical. Sect. 4. Socr. Hiſt. l. 1. c. 26, 27. gr. Athanaſ. in Apol. Sec.

3. *Anſ.* Firſt, That the ſentence of *Excommunication* and *Abſolution* being a proper exerciſe of the power of the *Keys*, the *Eccleſiaſtical Officers* are the immediate and peculiar *Judges* in theſe Caſes. And if any perſon ſhall aſſert, that they are always obliged in theſe things, to do whatſoever the Emperour ſhould give them in *command*, though he himſelf ſhould be *impoſed* upon by the ſleight of others, or otherwiſe be miſtaken; this would tend to diſown the ſubject of this enquiry, concerning the *Emperours power*, or to deny that there are ſuch Cauſes or *matters Eccleſiaſtical*, that the Rules of Religion and Chriſtianity ought to be the guide and meaſure of them. *The exerciſe of the Keys is not to be guided by the pleaſure of a Prince as its rule.*

4. Secondly, The Caſe of *Arius* had been largely heard and *adjudged*, by the higheſt *Eccleſiaſtical audience* of a *General*

B.1.C.5. *ral Council*, by the Emperours command, where he was *anathematized*, and condemned of *Hereſy*, and notwithſtanding ſome appearance of repentance, as S. *Hierome* declares, was ſentenced no more to come to *Alexandria*; that is, as *Baronius* rightly explaineth it, not to be *received* in his former *place* in that *Church*. Now it was not in the power of any *ſingle Biſhop* whomſoever, to *reſcind* the judgment, or *reverſe* the ſentence of a *General Council*, or indeed to take a new *cogniſance* of what had been thereby determined. And to acknowledge the Emperour to have a power of *immediate judging*, and determining concerning the *cenſures* of the Church, eſpecially if againſt the Sentence of a *General Council*, cannot be conſiſtent with the *Eccleſiaſtical authority*, and the power of the *Keys*, committed to the *Eccleſiaſtical Officers*, and in the moſt eminent and higheſt manner reſident in *Oecumenical Councils*. And therefore *Athanaſius* could not *obey* that command of the *Emperour*, procured by the ſubtilty of *Euſebius* of *Nicomedia* and his party, without an exorbitant *uſurping* and *invading* an authority, which was ſuperiour to him, and *undermining* the *unity* of the *Catholick Church*, as is obſerved by Mr *Thorndike* in juſtification of *Athanaſius*.

Hieron. adv. Luciſer.

Baron. an. 327. n. 3.

Weights and meaſures, Ch.6.

5. And

5. And a Caſe much of like nature with this, was conſidered in the third *general Council* of *Epheſus*, who rejected them from their Communion, who in a ſeparate *Conventicle* from the General Council, undertook to cenſure *Cyril* of *Alexandria*, who preſided in that Council, and *Memnon* of *Epheſus*, and were alſo fautors of *Neſtorius*. Concerning theſe Biſhops, that *Council* gave this inſtruction to their *delegates*, whom they ſent to the *Emperour*; that if he ſhould inſiſt upon theſe perſons being *reſtored* to their *Communion*, they declare that ſo much as can be, is to be done, to expreſs *obedience* to the Emperour; *Sanctioni Auguſti pro viribus obediendum eſt*; and that if theſe perſons ſhall join with the Council in *rejecting* the Hereſy of *Neſtorius*, and *depoſing* him; and *ſubmitting* themſelves, ſhall heartily *embrace Unity* with them, they may be *admitted* again to their *Communion*. But if theſe *delegate Biſhops* in this Caſe, ſhould *admit* them upon any other terms than theſe, which the *Council* it ſelf upon conſidering and *debating* the Caſe had *determined*, they are there told, that they themſelves would *incur* the *cenſure* of the *Council*. Sect. 4. Act. Conc. Eph. Tom. 4. c. 19.

Arianiſm and all falſe doctrine to be rejected, though favoured by Princes.

6. *Obj.* 2. *Athanaſius* in the time of *Conſtantius*, S. *Baſil* of *Valens*, and S. *Ambroſe*

B.1.C.5. *Ambroſe* of *Valentinian* the younger, and divers *Catholick Biſhops* under the *Arian Emperours*, put in their exceptions againſt the *Emperours judging* in matters of *Faith*, as not being a *competent judge* in that Caſe; nor would they be therein *determined* by him. And when *Conſtantius* had baniſhed many Catholick Biſhops, for withſtanding *Arianiſme*, and uſed ſevere puniſhments towards others, and *threatned Hoſius* Biſhop of *Corduba*, who drew up the form of the *Nicene Creed*, he in an Epiſtle to *Conſtantius*, adviſeth him, μὴ τίθει σεαυτὸν εἰς τὰ ἐκκλησιαστικά, *do not put thy ſelf upon things Eccleſiaſtical, nor do thou give commands to us concerning ſuch things, but rather learn theſe things from us; God hath put into thy hand the Kingdom, he hath committed unto us the things of the Church.* And when S. *Ambroſe* was *commanded* in the Emperours name, to *yield up* the poſſeſſion of his *Church* to be delivered to the *Arians*, he refuſed ſo to do, in a matter of *Gods right*, declaring *ea quæ divina ſunt Imperatoris poteſtati non eſſe ſubjecta*, that *thoſe things which are Gods, are not in ſubjection to the Emperour.*

Athanaſ. ad ſolitar. vit. agentes.

Ambr. Ep. 33. ad Marcellinam.

7. *Anſ.* Firſt, Since the *Chriſtian profeſſion* is a taking up the *Croſs*, all thoſe who embrace it, muſt undertake to *hold faſt*

faſt the truth of the *Chriſtian faith*, Sect. 4.
though this ſhould be againſt the *command* and will of any *Prince* or Ruler whoſoever, and muſt be followers of him, who before *Pontius Pilate* witneſſed a good *confeſſion*. This was the practice of the *Apoſtles*, of S. *Polycarp* and divers Chriſtian *Martyrs*, to profeſs the Chriſtian doctrine, when they were *commanded* to diſown or *abjure* it. And as they muſt hold faſt *Chriſtianity*, notwithſtanding the *Prohibitions* or threats of *Diocletian* or *Julian*, ſo muſt they keep cloſe to the *Catholick doctrine*, notwithſtanding the command of any *Arian Emperour* to the contrary. And it is no more a *derogation* from the *Royal authority*, to ſay that it hath no *right to command*, againſt *truth or duty* in *Religion*; than to declare that it hath no right to *command*, againſt *honeſty* or *chaſtity* in the Common-wealth. The Princes *Supremacy* in theſe matters is *under God* and Chriſt, to *eſtabliſh* what is according to the Rules of our Religion, and the good of Mankind, but can have no authority to *oppoſe* or *undermine* the doctrines of our Saviour.

Martyr. Polycarpi, Tertul. Apol. c. 27.

The deciding queſtions of faith and guiding in it, more proper to Biſhops than Kings.

8. Secondly, That as this Caſe hath reſpect to the *truth* of the *Chriſtian doctrine*, it is certain, that not the *Emperour*, but theſe *Catholick Biſhops* themſelves, were

B. 1 C. 5. the moſt proper and fit *judges* in this matter of faith; eſpecially having the evidence of *Scripture*, the conſent of the ancient *Apoſtolical men*, and the confirmation of the Synod of *Nice*. The *deciding* and determining matters of *faith*, peculiarly and chiefly belongeth to the *Paſtors* of the Church, and is a matter for their *judgment*, cogniſance and diſcuſſion. By them, as *Hoſius* ſaid above, even *Princes are to be taught*, and ſhould receive the *doctrines* of Religion. But the Chriſtian Biſhops are not to receive any thing, as a *doctrine of Chriſtianity*, from the Command of any *Prince* in the World; but herein they and all other Chriſtians, muſt be guided only by what was *delivered* by *Chriſt*, and his *Apoſtles*; for the knowledge of which, the conſent of the *Catholick Church*, doth in many things give very great light.

In Athanaſ. ubi ſup.

9. How much honour and reſpect in this particular, the ancient *Emperours* did give to the office and judgment of the *Biſhops of the Church*, we may underſtand from *Theodoſius* the Second. When he ſent a ſecular perſon to be preſent by his authority at the *Epheſine Council*, he particularly declared, that for him to have any thing to do, in their *Synodical deciſions* of the Queſtions of *faith*, would be a

Act. Conc. Eph. Tom. 1. c. 32.

nefarious

nefarious thing. And it is truly obſerved by *Baronius*, that *Conſtantine* and other Chriſtian Emperours, who were themſelves preſent in *ancient Councils*, did not interpoſe in giving *votes or ſuffrages*, in deciſions of *faith*, or inflicting of *cenſures*, as concurring to the *ſpiritual effect*; but only did conſent to, and *ratify* theſe determinations of the Councils, by their *ſecular authority*. And theſe things, which are under the *proper and peculiar adminiſtration and cogniſance of Eccleſiaſtical Officers*, are ſometimes in a reſtrained ſenſe ſtiled *Eccleſiaſtical things*, which as ſuch, all ſecular powers are *prohibited* to intermeddle with. And in this ſenſe, with particular reſpect to *matters of faith*, as falling under *Eccleſiaſtical deciſion*, not only *Hoſius* above, diſallowed *Conſtantius* his undertaking *things Eccleſiaſtical*, who yet himſelf *obeyed* the ſummons of *Conſtantine* to appear in the *Council of Nice*, and ſome others; and was *imployed* by him in many things relating to the *Church*: But alſo *Theodoſius* above-mentioned, declares it unlawful for any but Biſhops, *negotiis Eccleſiaſticis ſeſe immiſcere*; *to intermeddle in Eccleſiaſtical buſineſs*. But that the Phraſe of *things Eccleſiaſtical*, is there underſtood only in the *reſtrained ſenſe* now mentioned,

Sect. 4.

Baron. an. 325. n. 73.

Conc. Eph. Tom. 1. c. 32.

B. 1. C. 5 ed, is manifeſt; becauſe in that very *reſcript* of *Theodoſius* to the *Epheſine Council*, he committeth this *authority* to the Count he ſent thither, to take care of the orderly and peaceable *proceedings* of the *Council*, and to hinder any perſon whomſoever from *departing* from the *Synod*, or any other *Eccleſiaſtical cauſe* from being *diſcuſſed*, till thoſe for which they were called were *determined*. And in the ſame Epiſtle alſo, the Emperour declares, that as he had a care concerning the *Commonwealth*, ſo his chief care was concerning ſuch things, as pertained to *Piety and Religion*. So that the *Princes* power and *authority* about things *Eccleſiaſtical*, as that Phraſe is taken in a large ſenſe, for things relating to the Church and *Religion*, was not in that reſcript denied.

10. And touching the Caſe of *Ambroſe*, It had certainly been a thing unaccountable, and unwarrantable for him, by any *act of his own*, to have *delivered* up the poſſeſſion of his Church. Since this had encluded (what *Theodoret* ſaith he thought himſelf obliged to refuſe) his own *conſent*, to give up his people to the *conduct* of the *Arians*. And indeed the *intereſt of God*, and his *Church* and his truth, were *ſuperiour* to the will and command of the *Emperour*, or any man upon Earth; and it

V. Ambr. in Auxent. & ad Marcellin. Theod. Hiſt. Eccl. l. 5. c. 13.

it was fit that S. *Ambroſe* ſhould acquaint the Emperour with this, which he ought to take notice of. But if the Emperour ſhould not *obſerve his duty* to God, S. *Ambroſe* muſt not *neglect* his, ſtill behaving himſelf to his Prince as becomes a *good ſubject*. But when any *Catholick Biſhops*, by the Edict of *Arian Emperours*, were commanded into *baniſhment*, they not only *obeyed*, of which there are numerous examples; but thought it a *Chriſtian duty* to *ſubmit* themſelves, with a patient and peaceable temper of mind, which was very remarkable in the carriage of *Euſebius Samoſatenſis*, under *Valens* the Emperour, which was much commended by *Theodoret*. Sect. 5. Theod. Hiſt. Eccl. l. 4. c. 13.

SECT. V.

Other objections from the Fathers, concerning the eminency *of* Eccleſiaſtical Officers *and their authority.*

It is further objected, that divers ancient *Catholick Writers*, even before the *aſpiring height* of the Romiſh Biſhop, have uſed ſuch expreſſions, as ſpeak their *preferring* the authority of the *Eccleſiaſtical power* to the *ſecular*, and their eſteeming it to be the more *eminent*. To this purpoſe

B. 1. C. 5 Baron an. 57. n. 31, 32.

pose some passages are produced by *Baronius*, from *Ignatius*, *Sulpitius*, in the life of S. *Martin*, *Gr. Nazianzene*, S. *Ambrose*, and S. *Chrysostome*.

2. What is cited as from *Ignatius*, directeth first to honour *God*, and then the *Bishop*, and *after him* μετὰ τοῦτον (as the common Greek Copies read it) *the King*. But it is sufficient to observe, that all this is only an addition of the *Interpolator* of *Ignatius*, and is not any part of his genuine Epistles; as is evident from the *Latine Edition* of Bishop *Usher*, and the *Greek* of *Vossius*; neither of which have any thing of this nature in them. And yet though this addition might be made, as *Bishop Usher* conjectureth about the sixth Century, it was designed to suit the *age of Ignatius*; and that which the foregoing words intimate, to be the intended sense, may well be allowed: That Christians were bound, to have an higher regard to the directions and *instructions of Christianity*, and the *conduct* of their Bishops, and *spiritual guides* in the Christian *Religion*, than to the *commands* even of Kings or Emperours, who were *opposers* of that holy Religion, and Enemies to the truth.

V. Ign. Ep. ad Smyrn.

Usser. dissert. de Ign. c. 6.

3. But from *Sulpitius* in the life of S. *Martin* he urgeth, that S. *Martin* being enter-

entertained at the table of *Maximus the Emperour*, one of the Kings attendants brought him *a Cup, which the King commands him to give to the Biſhop* (S. *Martin* then Biſhop of *Turenne*) deſiring that he might receive the Cup from his hands. But S. Martin *when he had drunk, gives the Cup to his Presbyter*, who was with him; thinking that neither the *King*, nor any other who were with him, ought to be *preferred* before him. And *Baronius* declareth he would have done the ſame, had he been only *a Deacon*, whom he had with him. Sect. 5. *Of* S. Martin *and* Maximus. Sulp. in vit. Martini. c. 23.

4. But this ſtory as it is here related, ſhews much of the Spirit of *Baronius* towards *Kings*, who would not it ſeems allow them, being of the *laity*, to have ſo much *honour and reſpect* ſhewed unto them, as muſt be given to a *Deacon*. And if the *ſpirit of S. Martin* was ſuch, as the Cardinal in this particular doth repreſent it, it would need an *Apology*, if the Caſe would bear it, or indeed it would rather deſerve a *cenſure*.

5. But the truth is, this *Maximus* was a *Rebel*, and an *Uſurper*, who had then wickedly *murthered Gratian* the Emperour, and *invaded* the Territories of *Valentinian*; and for this cauſe S. *Martin* though often requeſted, for a long time

B. 1. C. 5. refuſed to come to his Table, and avoided *all converſe* with him, more than any other Biſhop in thoſe parts did, and did alſo foretel the ruine of *Maximus*, as *Sulpitius* relateth, and *Baronius* elſewhere taketh notice of. And *Marcellinus* in his Chronicon, and alſo *Socrates*, *Theodoret* and *Sozomen* in their Hiſtories, divers times when they ſpeak of him, give him the ſtile of *Maximus the Tyrant*. And *Symmachus a Roman Senator*, was found guilty of *Treaſon* by *Theodoſius*, for publiſhing an Oration, as an *Encomium* or Panegyrick upon *Maximus*.

Sulp. ibid. Baron. an. 386. n. 20, 21. Marcel. Com. Chron. in init. Socr. l. 5. c. 14.

Ambr. Ep. 27. 6. When S. *Ambroſe* was ſent as an Ambaſſadour from *Valentinian* to *Maximus*, he not only refuſed the *ſalutation* of a kiſs from him, but *withdrew himſelf* from thoſe Biſhops, who *communicated* with him. Yea *Baronius* himſelf mentions his Government as being a *tyranny*; and *Rabanus Maurus* taketh ſpecial notice of this *Maximus*, as being a perſon, who did not eſcape the *divine judgment*, when he had inſolently exalted himſelf againſt, and cruelly *murdered* his own *Lord* and *Maſter*. And if S. *Martin* being once brought to his Table, would not upon this account *drink to him*, or to any other with him, who were partakers, or might be *preſumed favourers* of his *inſurrection*; this ſpake him

An. 383. n. 19, 20. Rab. Maur. lib. de Rever. c. 3.

him a zealous friend to *juſtice*, and the right of *Princes*, and one who earneſtly *deteſted* Uſurpation and *Rebellion*. Sect. 5.

7. The places produced from *Nazianzen*, S. *Ambroſe*, and S. *Chryſoſtome*, do expreſs the *Eccleſiaſtical* authority, to have an *higher excellency* than the *temporal*; which *Gr. Nazianz.* declareth, by comparing his *Epiſcopal dignity*, with the *prefect* of his City, but the other two by *preferring* the *Eccleſiaſtical authority*, in ſome Excellencies, to the *Royal*. And indeed there are very *great Excellencies* do attend the *Eccleſiaſtical Miniſtry*, even in ſome reſpects above thoſe which belong unto the *ſecular*; and it becomes every good Chriſtian, who hath a value for the *Goſpel Grace*, highly to *eſteem* this Miniſtry: but its *worth* and *excellency* doth not at all prove its *ſuperiority of Government*, in the ſtate of the World. Naz. orat. 17. Ambr. de dign. Sacerdot. c. 2. nota.

8. The Eccleſiaſtical Miniſtry hath ſuch *excellencies* as theſe; That the *perſons* towards whom it is exerciſed, are not only *men*, or members of an humane Society; but are advanced to be *Chriſtians*, or perſons *admitted* into the body of *Chriſts Church*; and that the *conſtitution* of this Miniſtry was *eſtabliſhed*, by the diſpenſation of that admirable *grace and love of God*, which was manifeſted to the World by *The excellency of the Chriſtian Miniſtry.*

B. 1. C. 5. by our Lord and Saviour; and that the *deſign* of it hath more immediate reſpect to the *ſouls of men*, and their *ſalvation*; as alſo that heavenly and *ſpiritual myſteries*, and *bleſſings* are diſpenſed thereby. And ſome of theſe things are thoſe to which S. *Chryſoſtome* had peculiar reſpect, as his words do particularly declare.

Chryſ. in Eſai. Hom. 4. & 5.

Excellency, and ſupremacy of Government are different things.

9. But that ſuch excellencies attending this *miniſtration*, doth not place the *Eccleſiaſtical Officers*, above the condition of being *ſubjects* to Princes, may appear, by propoſing a like way of arguing in another caſe. Every truly *pious man* doth rightly govern his own heart and life, and thereby is not only a *man* and a *viſible Chriſtian*, but is a true and *real Chriſtian*, and member of Chriſt, whoſe practice is according to his profeſſion. And his chief care is about ſuch excellent things, as the *divine life*, and the *ſalvation* of his Soul, which he attaineth effectually; and this man doth receive the *grace of the Goſpel*, to the higheſt and moſt advantageous purpoſes; and is not only *dignified* with the honourable titles of a *King*, *a Prieſt*, *and a Son of God*, but doth receive thoſe great *benefits*, which are included under theſe *high expreſſions*. And theſe are *ſpiritual excellencies* of a more ſublime nature,

ture, than the bare enjoying either *civil* Sect. 5.
or Eccleſiaſtical Offices.

10. But if every good man becauſe of theſe excellencies, which attend his ſtate, ſhould be concluded to have a greater *dignity of authority*, and Government in the World, *inveſted* in him, than is in *Kings and Princes*, and that therefore he is not, nor ought not to be *ſubject* unto them; then muſt the Chriſtian Religion not only bring *confuſion* into the World, but alſo *make void* its own Precepts of *obedience*, *ſubjection*, and *humility*, and muſt alſo make men and the World *the worſe*, by taking them off, from *performing* the *duties* of their relations. Ma.

11. And that neither S. *Chryſoſtome*, nor S. *Ambroſe*, ever intended by ſuch expreſſions as are above-mentioned, to diſcharge the *Clergy* from the obligations to *obedience*, and humble reverence to *Kings* and Emperours, is manifeſt, from S. *Chryſoſtomes* declaring, that even *Apoſtles*, *Evangeliſts*, and all perſons whoſoever, ought to be ſubject to the *civil power*; and from the dutiful behaviour of S. *Ambroſe* to *Valentinian*, of which I ſhall give ſome account in the following Book. Chryſ. in Rom. 13.

SECT.

SECT. VI.

The Canons of the Church, *concerning the exemption of the cauſes of the Clergy, from ſecular cogniſance, conſidered; with ſome other things, which have ſome affinity therewith, from* Mat. 18. 17. *and* 1 Cor. 6.

1. There are divers ancient ***Canons***, which require the cauſes which concern the *Clergy*, eſpecially among themſelves, to be examined by the *Biſhop*, or the Biſhops of the *Province*, or if it be needful, by a *greater Synod*, but not to be brought before the Courts of the *ſecular power*. Some ſuch Canons are referred to by *Photius*, and others are produced by *Gratian*, and divers of them are enquired into by *Barclay*. To this purpoſe tend ſome Canons of the *Second* and *fourth General Councils*, and others of the *Provincial* Councils, both in *Africa*, *Aſia*, and *Europe*. But it may be preſumed, that theſe Canons of the Church would not have thus *determined*, unleſs the Church had *judged* ſuch caſes and perſons, not to be under the *Supremacy* and Government of the *ſecular authority*. And which may ſeem to add ſtrength to this Objection, even

Phot. Nomoc. Tit. 9. c. 1. c. 11. qu. 1. Barcl. de Pot. Pap. c. 32. Conc. Agath. c. 23. Conc. Matiſc. 1. c. 5. Conc. Antioch. c. 11, 12.

even the *civil law* it ſelf gives ſome allowance to theſe proceedings. Sect. 6.

2. And it may be further added, that when our *Saviour* eſtabliſhed his *Church*, there is ſome appearance, of his giving the whole body or *Society of Chriſtians*, a kind of *immunity*, from the ſupremacy of the ſecular power, in that in Caſes of *treſpaſs and injury*, which are civil matters, he directs the proceeding concerning them to be brought before the *Church*. And S. *Paul* enjoins Chriſtians, not to *go to law* before the civil *Pagan Judicatures*; which things carry an appearance, of a *diminution* of the ſecular Supremacy, towards the members of the Chriſtian Church. And the uſual Trials of the *civil cauſes* of Chriſtians by *Eccleſiaſtical Judges*, both before and after the Empire was Chriſtian, is manifeſt, not only from the *Apoſtolical Conſtitutions*, and S. *Aug.* which I above produced; but alſo from what *Gregory Nyſſen* relateth, concerning *Gregorius Thaumaturgus* Biſhop of *Neoceſarea*, and from the practice of S. *Ambroſe*, an account of which we have, both from S. *Auſtin*, and from *himſelf*.

Secular cauſes were anciently determined in the Eccleſiaſtical Judicatures. Mat. 18. 17. 1 Cor. 6. 1, &c. Ch. 1. Sect. 4. Gr. Nyſ. in Vit. Gr. Thaum. Aug. Conf. l. 5. c. 3. Amb. Ep. ad Marcellum. Ep. 24.

3. But for anſwer hereunto, and for a right underſtanding of all this, I ſhall think it ſufficient to obſerve three things.

Obſ. 1. That thoſe *rules* were eſtabliſhed

B. 1. C. 5. blished out of a true Christian and *peaceable design*, and to prevent *scandal*, and thereupon had no ill aspect upon *secular authority*. If a *father* of a numerous Progeny, or a *Master* of a great Family, consulting the *honour*, *reputation*, and peace of his Family, enjoin them that they shall have no open *contests* with one another; but if any *differences arise*, they shall end them amongst themselves, or else bring them unto him; all this is no *disowning* the supremacy of a *superiour Government*. And when S. *Paul* to the like purpose, enjoined Christians in general, not to *go to law* before the Pagan Judicatures; *Aquinas* truly observeth, that this was consistent with the *subjection* of Christians to Kings and Governours; since the *Religion* of Christians did not allow them to *refuse to appear* before Pagan Magistrates, when *summoned*, or to *submit* to their decisions of right and justice; but only required, that they should not voluntarily *chuse* this way of *determination*. But it is against no duty of *subjection*, to make a *private end* of all, or any matters of difference and complaint, whether it be for the love of *peace*, or the honour of *Religion*.

This sometime by peaceable arbitration.

Aquin. in 1 Cor. 6.

Grot. in 1 Cor. 6.

4. And *Grotius* not only observeth, how heinous a thing the *Jews accounted* it, that the *Gentiles* should take notice of

quarrels

quarrels amongſt them, which they would make uſe of to the *diſparagement* of their Religion; but he alſo recommends, even under the *Chriſtian Government* and Soveraignty, the ordinary *compoſing* of differences by *friendly Arbitrators*. Nor is it any *infringement* of *ſupremacy*, where ſuch Rules are obſerved, concerning thoſe ſpecial members of the Chriſtian Church, the whole body of the *Clergy*. And the *Eccleſiaſtical Canons* which were to this purpoſe, were accounted by the third Council of *Carthage*, to be of like nature with the directions of S *Paul* to the *Corinthians*, as reſpecting ſuch Caſes, where they were at liberty, *ad eligendos judices, to make choice* of ſuch as ſhould *judge* their Caſe. But becauſe there is ſufficient evidence, that ſuch matters were not always determined by *private Arbitrators*, but were oft-times decided, by a *judicial* or conſiſtorial *ſentence*, there appeareth a neceſſity of adding a further anſwer. Wherefore, Sect. 6. Conc. Carth. 3. Can. 9.

5. *Obj.* 2. That all thoſe *judicial proceedings*, to which this objection doth refer, were undertaken by vertue of a ſpecial *grant*, or *act of grace* and favour, from the ſupreme *temporal power*, and therefore in no derogation from it, but by the conſent and *authority* thereof. Of this I ſhall give *Thoſe judicial proceedings were by the permiſſion of their Soveraign.*

B. 1. C. 5 give sufficient proof, with respect to all the particulars mentioned.

6. For first, When our Saviour gave that *Precept*, *Mat.* 18 the Nation of the *Jews* were indeed under the *Romish power*, but yet they had a liberty to *determine* matters in *Consistories* of their own. The truth of this is evident from the History of the New Testament, and *Josephus* acquaints us, that there were divers *Imperial rescripts*, in the time of *Julius Cæsar*, and soon after his death, which impowered them to live after their *own laws*, both in *Judea* and in other parts of the *Empire*. Now the *Jewish Government* and their Customs about that time, allowed the *different Sects* among them, to *decide* such matters of *difference*, as arose among themselves, according to the *Rules* of their own *discipline*, as is manifest, from what *Josephus* relateth to this purpose, concerning the discipline and *judicial decisions* of the *Essens*, which as *Grotius* well observeth, is sufficient to give allowance to the like proceedings, amongst the *Christians*.

Ant. Jud. l. 14. c. 17. & l. 16. c. 10.

De Bell. Jud. l. 2. c. 12. gr.

Grot. in Mat. 18.

7. Secondly, A little before the time when the Apostle wrote his first Epistle to the *Corinthians*, besides those above-mentioned, there was among others published that

that memorable *Edict of Claudius*, where- Sect. 6
by he gave liberty to the *Jews* all over his *Empire*, that none forbidding them, they might *obſerve* πάτρια ἔθη, and ἰδίους νόμους, *their own proper laws, and the cuſtoms of their Country.* Now it was one of their known Rules in that age and time, that whereſoever any conſiderable number of them ſhould reſide, they ſhould have a *leſſer Sanhedrim.* And this rule their Rabbins accounted obligatory, as Mr *Selden* ſhews, not only in *Judea*, but in what place ſoever they ſhould *inhabit*, for the *determining* of matters not *criminal.*

Ant. Jud. l. 19. c. 4. ✗

V. Seld de Syn. l. 2. c. 5. n. 1.

Ibid. cap. 7. n. 5. & 9. De Syn. l. 1. c. 8. p. 224. &c.

8. And in another place, he gives ſufficient proof, that in thoſe times *the Chriſtians* were comprehended under the name of *the Jews:* and it is truly obſerved by *Pamelius*, that *Judaica ſuperſtitio*, was the phraſe which *Verus* and *Antoninus* uſed, when they intended to grant priviledges to them of the *Chriſtian Religion.* And this was becauſe *Chriſtianity* was firſt planted in *Judea*, and entertained and *propagated*, by thoſe who were of the *Jewiſh* Nation; and its followers *acknowledged* and owned the *law* and the *Prophets.* Indeed it muſt be preſumed, that in the time of open perſecution of Chriſtianity, this *licence of favour* was withdrawn, and in that Caſe, the Chriſti-

Pam. in Tertul. Apol. n. 04. [illegible].

B.1.C.5 ans did either *lay aside* all contentions among themselves, and reduced the *peaceable rules* of their Religion into a general practice; or else they voluntarily yielded to the *arbitrement* of other Christians.

Canons about the immunity of the Clergy, were established by the favour of Princes.

9. Thirdly, Those *Canons* of the Church, which asserted any *priviledges* or immunities in the Clergy, from the temporal Judicatories, were established by the *Emperours consent*, who gave his *confirmation* unto them, and therefore encluded no derogation from his *power*. Those things which are contained under the name of *decretal Epistles*, of ancient Bishops of *Rome*, before *Constantine*, concerning the freedom of the *Clergy* from the secular power, are of so very bad credit, as not to deserve any consideration. That the four first *General Councils*, in which are some Canons relating to this matter, were called and confirmed by the Emperour, hath been proved. And that *Provincial Councils* were called by the same authority, hath been observed, by instancing in very many of them, by the Archbishop of *Spalato*, and by *Grotius*. And if there was any Canon of this nature, which was not *confirmed* by *Imperial authority*, or the substance of it contained in a preceeding Imperial Law or Grant, it was not brought into practice. 10. And

V. Gratian. ubi supra. Conc. Const. c. 8. Conc. Chalc. c. 5.

Spalatens. de Repub. Eccl. l. 6. c. 5. Grot. de Imp. Sum. potest. c. 7. n. 3.

10. And it is further obſervable, that moſt of theſe *Canons* did but provide for the well and orderly managing thoſe *priviledges*, which the *Imperial law* had before granted to the *Church*. For before the *genuine Canons* of any Councils concerning this matter, the *Imperial law* had already *eſtabliſhed* the ſubſtance of thoſe priviledges in the Clergy, as will appear manifeſt to them who will compare theſe *Canons*, with the *Edicts of priviledge*, granted by *Conſtantine*, *Conſtantius*, and other ſucceeding Emperours, which may be ſeen in the *Code of Theodoſius*. Sect. 6. De Epiſc. & Presbyt.

11. And for the *Judicatures* of *Chriſtian Biſhops*, who therein tryed *civil cauſes*, under the time of Chriſtian Emperours; no man in reaſon can think, but this muſt be done by *favour*, and a *delegated authority*. And it is manifeſt from the *Imperial law*, that this was a *priviledge* granted unto them, out of reſpect to the *honour* of *Chriſtianity*: it being therein enacted, that whatſoever perſons ſhall pleaſe by their own conſent, to have their Cales *tryed* and *adjudged* by the *Biſhop*, they ſhall have liberty ſo to doe. Cod. l. 1. Tit. 4. l. 7. 8. Nov. 83. & 123.

12. *Obſ* 3. That the *Canons* were never intended, to *diſclaim* the *Supremacy* of Princes over the Clergy, is manifeſt,

B. 1. C. 5. becauſe in them is *allowed* the application to the *ſecular authority*, againſt ſuch Biſhops, as will not ſubmit to the determination of the *Eccleſiaſtical*. This was done by a *Carthaginian Synod*, againſt *Creſconius* a Biſhop of that Province, as is manifeſt from the *Greek Copy* of the African Code; which was the Copy *confirmed* in the ſixth *general Council*. And this particular Caſe is approved in the Comments of the *Greek Scholiaſts*, and is alſo referred unto in the *Nomocanon* of *Photius*, as giving direction when one Biſhop may *proſecute* another, before a *ſecular ruler*. And it may be further obſerved, that the Canons from the 37th to the 61ſt of that *Greek Code*, were taken out of the *third Council of Carthage* (this fifty third Canon, to which this *action* is there annexed, or according to *Juſtellus* his Code, the forty eighth, is the thirty-eighth Canon of that Council) wherein a particular *Canon*, for the *priviledge of the Clergy* was eſtabliſhed. And the Canons prohibited *applications* to the *ſecular power* againſt any of the Clergy, almoſt in the ſame manner as they forbad the *application* to a *general Council* againſt a Biſhop, which was condemned, unleſs the other methods by the *Biſhops of the Province* ſhould prove ineffectual.

Conc. Carth. gr. c. 53.

Conc. Trull. c. 2.

Nomocan. Tit. 9. c. 8.

Conc. Conſtant. c. 5.

CHAP.

CHAP. VI.

Of the renouncing all Foreign Juriſdiction *and Authority; and particularly the Supreme Power of the Biſhop of* Rome.

SECT. I.

The latter part of the Oath of Supremacy conſidered.

1. THE Royal Supremacy will be further vindicated, by refuting the pretences, which are vainly made by others, to the whole or any part of the juſt ***Soveraignty*** of Princes; wherein I muſt chiefly conſider the claims of ***Foreign Juriſdiction***, which are rejected and diſowned in the ***Oath of Supremacy***. In which Oath it is declared, that ***no Foreign Prince, Prelate, State or Potentate, hath or ought to have, any Juriſdiction, Power, Superiority, Preeminence or Authority, Eccleſiaſtical or Spiritual, within this Realm***, and therefore all ſuch Authority is *diſclaimed* and ***renounced.*** *Foreign Juriſdiction diſclaimed.*

2. But hereby it is not intended, that

B. 1. C. 6. no *Foreign Bishop*, Priest or Deacon, shall be owned in this Realm, to have that *pre-eminence of Order*, in the Catholick Church, unto which they have been duly received; nor that their *power of order*, for the performing *Ecclesiastical Offices*, is invalid and null, if they come into this Realm. But this is no power of *Government* and Jurisdiction, within this Kingdom by a *Foreign Authority*; which is herein rejected. Neither is it hereby meant, that if the *Ecclesiastical Governours* of any Foreign Church, do within their Jurisdiction, duly *admit* any person into the Church or do, *clave non errante*, excommunicate or *absolve* any, that the Christians in this Realm have no obligation upon them, from the *authority* of such proceedings, to embrace or avoid *Ecclesiastical Society* with such persons. For this would be contrary to the Article of our Church, which asserteth, that *that person which is rightly cut off from the Unity of the Church and Excommunicate, ought to be taken of the whole multitude of the faithful, as an Heathen and Publican, until he be openly reconciled by penance, and received into the Church, by a Judge that hath authority thereunto.* And the ancient Canons of the Church did determine, that he who was *excommunicated* by his own

The just authority of Church Officers asserted.

Article 33.

Can. Apost. 12. Conc. Antioch. c. 6.

own Biſhop, might not be *received* by another. Sect. 1.

3. But the *obligation* which in this Caſe lyeth upon us, and all the members of the Catholick Church, is not from any *Juriſdiction* or Superiority, which we acknowledge any ſuch Foreign Officers of the Church to have over us; becauſe this obligation equally lies upon all *Catholick Biſhops*, Metropolitans and Patriarchs, as well as upon ordinary and *private Chriſtians*. And it would bring in an unaccountable confuſion to aſſert, that every *Biſhop* under the *Patriarch of Alexandria*, ſhould have a ſuperiority over all the Biſhops and *Patriarchs*, of the *Roman*, *Conſtantinopolitan*, and other free Churches throughout the World, not excepting the *Alexandrian* it ſelf; and at the ſame time to aſſert that every Biſhop in any of theſe other Churches, hath upon the ſame account ſuperiority over him, and all other Biſhops and Churches. But this duty is incumbent upon us, from the nature of our Chriſtianity and *Chriſtian Unity*. For Chriſt having made his Church to be one Body, who ever undertakes Chriſtianity, is thereby obliged to *own Communion* with this Church, and all the regular Members thereof, and to *diſown Communion* with thoſe who are rightly cut off there-

B. 1. C. 6. from: and he having appointed Officers in his Church, hath according to their Offices, given them authority to exercise the power of the *Keys* in his name, in the Churches committed to them. And hereupon *Synesius* Bishop of *Ptolemais*, having excommunicated *Andronicus* and others, by vertue of his *Sentence* pronounced against them, did require the Churches all over the Earth, that they should *not receive them into Communion.*

Synes. Epist. 58.

4. But this *Oath* tending according to the design of that Statute, by which it was established, to *restore* to the *Crown* its ancient *Jurisdiction*; that authority which is chiefly rejected thereby, is such as *invaded* or *opposed* the Royalty of the *King*; and particularly that which claimeth any *supreme cognisance* of Ecclesiastical affairs, as if they were not under the care of the temporal power, or that pretendeth to any other authority above, or against the just *rights of the Crown.* And such is the arrogance of the See of *Rome*, which assumes to it self a claim of supreme authority in matters *Ecclesiastical*, and even in *temporal* also; which many of its followers defend as belonging thereto, upon account of its *spiritual authority.* Thus *Bellarmine* declareth, that if the management of *temporal affairs*, appeareth prejudicial

Bellarm. de Rom. Pont. l. 5. c. 6.

judicial to *ſpiritual ends*, *poteſtas ſpiritualis poteſt & debet coercere temporalem*; *the ſpiritual power may and ought to reſtrain the temporal, by all ways and means, which ſhall ſeem needful to that purpoſe.* And *Boetius Epo* tells us, that the Roman Biſhop *virtute poteſtatis merè ſpiritualis, by vertue of his mere ſpiritual power, doth ſometimes deprive bad Kings of their Kingdoms.* But the falſhood and injuſtice of this claim will be diſcovered, by detecting the fraud and vanity of the *Pleas*, made uſe of to ſupport the Popiſh power, of which in the following Sections. Sect. 1. Quæſtion. Heroicar. l. 2. c. 5. n. 105.

5. But a learned man hath given intimation of ſome ſuſpicion, that by theſe words of this *Oath* of Supremacy, the authority of a *general Council* of the Weſtern Churches, may ſeem to be diſclaimed. And it muſt be granted, that the determination of a truly *regular general Council*, either of all the Weſtern Churches or of the whole; eſpecially if it ſhould eſtabliſh a due *reformation* of the corrupt part of the Church, and a right *order* and *unity* throughout Chriſtendome, would be obligatory upon us, not only from the real *goodneſs* of the deſign, but from the *authority* of the *Council*, or the obligation that lies on the members, or ſeveral parts of *Weights and Meaſ. Ch. 20. Of a general Council.*

B.1.C.6. of the Chriſtian Church, to be guided by the *directions and rules*, eſtabliſhed by the united conſent and authority of the *Paſtors*. Yet 1. Since ſuch a Council neither is *in being*, nor in any likelyhood thereof, that which is not, hath no Authority or Juriſdiction. 2. This *Church and Realm* being a conſiderable branch of the Catholick Church, the *authority* of ſuch a Council, or of the Chriſtian Church therein, is no more *foreign* to us, who ought to bear a part therein, than the *ſoul* is to a chief member of the body, or than the *laws of nature*, and rules of *civility* may be eſteemed foreign things, which have as *conſiderable reſidence* here as any where elſe. 3. The Oath it ſelf is ſo *expreſſed*, as if it purpoſely deſigned not to exclude the authority of a *General Council*, which properly is neither a *Prince*, *a Perſon*, *a State*, *or Potentate*. 4. As this Oath diſowneth all *foreign authority* encroaching upon the Crown; ſo if any *Council* how general ſoever, ſhould *abridge* or violate the *Royal Authority*, all faithful ſubjects are ſo far bound, by the authority of God, to diſclaim it. 5. Though the determinations of a Council be never ſo excellent, if any Princes by their laws reject or prohibit them, as the *Arian Princes* dealt with the *Council of Nice*, Chriſtians

Sect. 1.

Chriſtians in ſuch places are bound to *embrace* them, upon no other terms, than they do their common Chriſtianity; that is, in bearing the *Croſs*, and undergoing unavoidable *penalties*, and thereby acknowledging the right, and due extent of the authority of the *civil power*.

The Oath of Supremacy engageth a defence of priviledges and authorities united to the Crown.

6. The *laſt part* in the *Oath* of Supremacy, engageth *Allegiance* to the *King his Heirs and Succeſſors*; and alſo a *defence of all Juriſdictions, priviledges, preeminencies and authorities, granted and belonging to the King, or united and annexed to the Imperial Crown of this Realm.* Now the only appearing difficulty here, is concerning the laſt clauſe; for if when the great *encroachments* of the Pope were *diſcarded*, ſome thing might be overdone, in *annexing* things to the Crown (as in fixing in the Crown thoſe great Revenues given to Religious uſes, when in many places there then was, and yet is wanting a competent proviſion for the ſupport of the Miniſtry) it may be enquired, how good men and good ſubjects, may and ought to *defend* theſe things. And it will be ſufficient to obſerve, that the defence here undertaken, is that of a *ſubject* towards his *Soveraign*. And all ſubjects of the Realm are, as ſuch, obliged both with reſpect to the duties of *obe-*

27 H. 8. 28.
37 H. 8. 4.
1 Ed. 6. 14.

dience

B.1.C.6. *dience* and *peace*, in their capacities to oppose all persons who would injuriously *violate* what is enjoyed by the *Crown*, and established by the *law*, since such persons may justly be suspected of designs to *subvert* the Government, and undermine the publick welfare; and do act disorderly and against *authority*.

7. And some thing which at first view may seem an *abatement* of the *authority of the Church*, is rather such a way of *regulating* the exercise of its power, as under Religious Princes is for the Churches advantage. Of this nature I conceive that
25H.8.19. constitution, that *no new Canons shall be enacted, promulged, or executed, without the Royal assent and licence, to enact, promulge, and execute the same.* For hereby the Clergy give such security to the King, against all jealousy of renewed *Ecclesiastical usurpations*, that thereupon the Church may under the *Kings favour*, and with assurance of greater safety and protection, practise upon its *established constitutions*; which are so good, that we have great cause to bless God for them. And hereupon it may also be hoped, that what shall be further needful, may be *superadded* by the *Royal Licence*, and become more effectual to its end, by the *confirmation* of that *authority*.

8. But

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8. But becauſe what I have now diſcourſed, dependeth upon a fair, but natural and genuine *interpretation* of theſe *words* of the *Oath* of Supremacy, it may be further enquired, how we may ſafely and prudently *interpret* the forms of publick *acknowledgments*, where the bare Grammatical conſtruction may be poſſibly capable of *different ſenſes*. Now though a *forced laxe ſenſe*, by an *evaſion* to avoid the deſign of the law or conſtitution, be juſtly, and muſt neceſſarily be *rejected*; yet a *rigid interpretation* to ſtrain the words, and force them to an harſh and *unlawful ſenſe*, (as is too oft done by diſcontented perſons) is alſo to be *diſcarded*, where there is another conſtruction or meaning of which the words by *natural interpretation* are capable, which is agreeable to *truth* and *juſtice*, and ſecures the *intention* of our *Superiours*. For beſides that Chriſtian *charity* and *equity* will incline to this ſenſe, the *politick rules* of Government will require Governours, to draw up *publick acknowledgments* in ſuch phraſes, that they cannot by a fair conſtruction, naturally admit a lower ſenſe than is deſigned. For otherwiſe ſuch *forms of words* would be uſeleſs, and not attain their end: and this conſideration alone is ſufficient to vindicate

How the words of publick acknowledgments muſt be interpreted.

Grot. de J. B. & P. l. 2. c. 13. n. 3, 5, & c. 16. n. 12. & l. 3. c. 1. n. 19. Sanderſ. de oblig. Juram. Prael. 2. n. 8.

B. 1. C. 6. vindicate and acquit the *form* of words, in this *Oath of Supremacy*, from such censures as have inconsiderately dropt from the Pen of a learned person.

9. But those general words of this *Oath* of Supremacy, and the *Canonical subscription*, and words of like general force in the Queens *Injunctions*, and our *Canons*, whereby all *foreign Jurisdiction* and obedience thereto is renounced; have manifestly a more particular respect to the *Bishop* and Church of *Rome*. For the design of that *Statute*, which enjoins the *disclaiming all foreign Jurisdiction* by Oath, is to restore that Jurisdiction to the *Crown*, which had been usurped by the *Pope*; and our Articles do assert, that *the Bishop of* Rome *hath no Jurisdiction in this Realm of* England; and the ~~Injunctions~~ of King *Edward* did also declare, that *no manner of obedience and subjection, within these Realms and Dominions, is due to him.* And the truth of this I shall undertake to manifest, after I have first given some account of the claim he makes.

Qu. *Eliz.* Inj. 1. Can. 1. 1603.

1 *Eliz.* 1. Article 37.

K. *Edw.* Inj. 1.

SECT.

SECT. II.

The high claims of Papal Supremacy *declared.*

1. Againſt the *ſupreme* Government of *Princes*, there is an high and imperious demand made, of an *Univerſal Monarchy*, for the Romiſh Biſhop; and of an *exemption* from the ſecular Government, for all *Eccleſiaſtical things and perſons*. And this is pleaded for and defended by divers of their Writers.

2. Yet among thoſe who embrace the *Romiſh Communion*, there have been and are conſiderable perſons, who have maintained, that the *Pope* as Pope, and by *divine right* hath no *temporal power*, and in *temporal* things hath no authority over Kings. And yet even theſe men acknowledge the Biſhop of *Rome*, as *Chriſts Vicar*, and the Univerſal and *ſupreme Paſtor*, to be endowed with a *ſpiritual power* and Empire, over all Chriſtian Kings and *Monarchs*. But ſome of them do expreſly grant to *Princes*, an authority in *cauſes Eccleſiaſtical*, ſo far as is neceſſary for the preſervation of the temporal Republick.

Various aſſertions of Romiſh Writers concerning the Popes Supremacy. 1. Barcl. de poteſt. Papæ, c. 3. & 2 adverſus Monarchomach. l. 4. c. 4. & l. 5. c. 8. 3.

3. This opinion was not only embraced

B. 1. C. 6 ced by *Joh. Major*, *Jacobus Almain*, and ſome others more anciently, but is alſo at large declared and defended by *Barclay de poteſtate Papæ*, *Blackwel* in his Examination, *Barnes* in his *Catholico-Romanus Pacificus*, and divers others. But this aſſertion is not only diſtaſtful to the Romiſh Court, but even *Bellarmine* accounted it to be rather an *Hereſy* than an *opinion*.

De Rom. Pont. l. 5. c. 1.

4. Many others there are, who deny the Pope to have any *direct temporal power*, but yet grant him as much as he can deſire, under the terms of *indirectè*, *& in ordine ad ſpiritualia*. For ſince by this phraſe is meant, in order to the *advancement*, or preſervation of the See and intereſt of the *Romiſh Church*, and thoſe of its Communion; theſe perſons grant as much *indirectly*, as any other do *directly*: even as if any perſons ſhould aver, that *Alexander* had no *direct right* to any other Kingdoms or Countries, but in order to the *advancement* of his *Crown*, or *enlargement* of his *Government*, his claim was *valid*; theſe give him as large a *title*, as any other perſons can do. This method doth *Bellarmine* in his Controverſies embrace, with many others whom he mentions, and he calls this *the common opinion*; in explaining of which, he gives the

the Pope this ample and *extenſive power*, that he hath *in order to ſpiritual good*, *the ſupreme authority of diſpoſing of the temporal things of all Chriſtians.* Yea he aſſerts, that he can *depoſe Kings*, and *tranſfer Kingdoms*, not as an *ordinary judge*, but as a *ſupreme ſpiritual Prince:* and that he cannot ordinarily either *eſtabliſh* temporal *laws*, or make them *void* as *Pope*; but that he can do this if the Kings themſelves will not do it, *in ordine ad ſalutem animarum.* Sect. 2. Bell. ibid.

5. Yet becauſe he who talked at this rate, ſpake with ſome *reſerves*, and ſeeming *limitations* of expreſſion rather than of ſenſe; and chiefly becauſe by conſiderable argument, againſt the *Popes direct temporal power*, he had indeed taken away the *direct ſupport* for this *indirect power*, we are informed by *Barclay*, that *Sixtus* the fifth had a deſign, and almoſt accompliſhed it, by a *publick cenſure* to aboliſh all *Bellarmines Controverſies*, becauſe in this particular he did not comply far enough with his ambition. And it hath been obſerved, both by *Blackwell*, and Biſhop *Mountague*, that *Carerius* in his Book *de Poteſtate Rom. Pontificis*, making it his drift to refute *Bellarmine* and his notion, yet inſcribes it, *adverſus politicos, & noſtri temporis hæreticos.* Barcl. de Poteſt. Pap. c. 13. p. 101. & c. 40. p. 329. *Acts and Monum.* c. 8. n. 8.

P 6. But

B. 1. C. 6.

6. But there are many *Canonists*, and others, of whom *Baronius* was one, who asserted the Pope to have a *supreme universal temporal power*, by divine right, over all the World, *& tam jurisdictionis quam proprietatis*, as *Becanus* expresseth their sense. Many who maintain this opinion, are mentioned by *Bellarmine*, and others by *Blackwell*, who observes that both *Rodericus Sancius* and *Carerius* do call this the *common opinion of Divines*.

M. Becan. de Justit. & Jure, c. 3. q. 7. Blackw. Exam. n. 20.

Universal temporal supremacy challenged by the Court of Rome.

7. But however any *private persons* of the Romish Communion, may *think* in their studies, or *dispute* in their Writings, the *publick claim* of the *Court* of *Rome* hath been for an *universal direct temporal power*, as is fully evident from these among other instances. When *Gregory* the seventh undertook to *transfer* the Imperial Crown from *Henry* the fourth to *Rodolphus*, he founds the *right* of his *disposal* thereof upon the gift of Christ to S. *Peter*, and his pretended Successors at *Rome*, saying, *Petra dedit Petro, Petrus diadema Rodolpho.*

Platina in Greg. 7. Baron.

Extr. Com. l. 1. Tit. 8. c. 1. Unam Sanctam. Mart. Polon. an. 1301.

8. The Constitution of *Boniface* the Eighth, asserted both the *spiritual* and *temporal power* to belong to S. *Peter*, and the Church, with respect to which *Martinus Polonus* declared, *se dominum spiritualem*

—*tualem*

tualem & temporalem in universo mundo asserebat. And in his Oration, in confirming *Albertus* to be King of the Romans, lately published by *Baluzius*; he affirmed, that as the Moon hath no light, but what it receiveth from the Sun; so there is no *earthly power* which hath any thing, but what it deriveth from the *Ecclesiastical power*; and all powers, saith he, are *from Christ, and from us as the Vicar of Christ.* And he there declareth, that Christ hath given his Vicar that power, that he hath the *right of constituting an Emperour, and of translating the Empire,* with much more to that purpose. And his high contests with *Philip the French King,* upon the like claim, were very notorious, which occasioned the earnest Declaration of the *Estates of France* against him. Sect. 2. Baluz. in Addit. ad Marc. de Conc. l. 2. c. 3.

9. And in that large Rescript of *Alexander* the Sixth, to *Ferdinand* and *Isabella,* King and Queen of *Castile* and *Arragon*, and to their Heirs and Successors for ever; he undertakes to give to them all the *American land* unpossessed of any other Christian Prince, and all *Islands,* and all parts of the *Continent*, which either already are, or hereafter shall be discovered, as things which were *granted* to him in S. *Peter,* and in his power to dis- 7. Decretal. l. 1. Tit. 9. c. 1.

B. 1. C. 6. pose, *authoritate omnipotentis Dei, ac vicariatus Jesu Christi; upon account of the authority of God, and the Vicarship of Christ*; with other such like words. And when *Bellarmine* in his Books *de Romano Pontifice*, had given such a sense of this grant, as if it signified no more, than to empower them *to send Preachers* thither, and to *protect converted Christians*, and to do such like Offices; he afterwards found reason to retract what he had there said, and acknowledged that when he wrote that, *he had not seen that rescript it self*; but only followed *the opinion of Cajetan*, and some others.

In lib. Recognit.

10. The Bull also of *Pius Quintus* against Queen *Elizabeth* declareth, that Christ had constituted him *a Prince, over all Nations, and over all Kingdoms.* And the Bull of *Sixtus* the Fifth, against *Henry* the third of *France*, asserteth him to have *obtained a supreme power, delivered to him by divine institution, over all Kings and Princes of the whole Earth, and over all people, Nations and Countries.* But these usurpations upon Royal Authority, were so distastful to a considerable part of the Romish Communion, that *Duarenus* with respect to his own age, tells us, that he thinks there is *no sober and learned man*, who can approve thereof.

De Benef. l. 1. c. 4.

11. And

11. And the proud and ſtately *behaviour*, and deportment of this Biſhop, towards Emperours and Kings, when they are admitted into his preſence, is ſuitable hereunto, which by their own Ceremonialiſt we have thus deſcribed. *Romanus Pontifex nemini omnino mortalium reverentiam facit*, &c. *The Roman Biſhop doth no reverence to any mortal man, either by riſing up openly, or by bowing his head, or by uncovering it; but after the Roman Emperour, or other great Kings, have kiſſed his foot, and his hand as he ſitteth, he doth a little riſe towards them to receive them to kiſs his mouth.* And again, *Omnes mortales*, &c. *All mortal men of whatſoever dignity and pre-eminence they be, when they firſt come into the Popes preſence, muſt thrice at diſtant ſpaces, bow their knee before him, and muſt kiſs his feet.* Sect. 2. *The Popes behaviour towards Princes.* Sacr. Cerem. l. 3. Sect. 1. c. 2. Ibid. c. 3.

12. I forbear to mention, what our Hiſtories manifeſt, of the haughty, inſolent, and imperious carriage of the Pope, towards our *Engliſh Kings*, eſpecially King *Henry* the Second, and King *John*. But that proud and arrogant ſpeech, of *Gratian* the Popes Legate, to *Henry* the Second, *Nos de tali curia ſumus, quæ conſuevit imperare Imperatoribus & regibus*; *we belong to that Court, whoſe cuſtom*

B. 1. C. 6. *ſtom it is to command* (or *rule over*) *Emperours and Kings*, was ſo hugely pleaſing to *Baronius*, that he thought fit to record it in *great letters*, and in the margent to note, *Gratiani reſponſio digna legato*, that it was ſuch an anſwer of *Gratian*, as was fit for the Popes Legate to make. And what *Luciferian* inſolency appeared in that Speech of *Innocent* the Fourth, concerning *Henry* the Third,

Baron. an. 1196. n. 11.

Mat. Paris. an. 1253. *Nonne Rex Anglorum vaſallus noſter eſt, & ut plus dicam mancipium? Is not the King of* England *our Vaſal, and that I may ſay more, our ſlave?* And that this was no unuſual ſtile at *Rome*, appeareth from ancient *Records* in the *Tower*, which declare the Pope both in his *Council* at *Rome*, and in his Letter to the *Barons* and Commonalty of *England*, to have called King *John his Vaſal*.

Pryns *Addit. to Hiſtory of K. John*, f. 18. & f. 28.

13. And waving many other things, I ſhall only add, that immediately before the *framing* the *Oath* of Supremacy, Queen *Elizabeth* coming to the Crown, ſignified her Inauguration to *Paul* the Fourth then Pope, by *Edward Carne*, who was then at *Rome*, as an Ambaſſadour from Queen *Mary*: the Pope proudly returns his anſwer, That *the Kingdom of* England *was a fee* of the Apoſtolical See, and that it was intolerable boldneſs in her, to aſſume the

Hiſt. Conc. Trident. l. 5. p. 333, 334. an. 1558.

the name of *Queen*, or the *Government* of the Kingdom, *without his approbation*; and therefore he propounded to her, to *renounce her pretended right to this Realm, and to leave it to his diſpoſe.* From theſe things it may appear, what great cauſe there was, for this Crown to take care, that all the ſubjects thereof, who are in any *chief places* of truſt and employment, do *diſown* ſuch *foreign claims*, which would *undermine* the very foundations of *Regal Authority*. And the meer recital of ſuch things as theſe, are ſuch palpable evidences of impudent *arrogancy, deſpiſing Dominions*, and oppoſing the humble, meek, and *peaceable deſign* of the Chriſtian Religion, and even the principles of humane reaſon and *polity*; that this alone may be ſufficient with all underſtanding and good men, to raiſe in them an *abhorrence* of, and *indignation* againſt ſuch intolerable ambition. Sect. 2.

SECT. III.

Such claims can have no foundation from the Fathers, *and have none in the direct expressions of* Scripture, *which they alledge.*

1. Every rational man might well expect, that so vast a claim, both of *Ecclesiastical* and *temporal power*, ought to be supported with some very considerable *evidence*, which in this case can be no other, but a manifest *divine constitution*. For since the very *being* of the *Church of God*, depends upon his *founding* it, and the very *being* of its *Officers*, upon Gods appointing them; there can be no other ground for any *Ecclesiastical Officer*, to claim upon a Christian account, a *supremacy of rule* over the World, unless he can produce the institution of God to this purpose.

Some reflections on the sense of the ancient Church concerning this Supremacy.

2. And therefore it would be needless, as it might also be tedious, to examine those expressions of the Fathers, wherein they spake with respect and honour to the *See of Rome:* for such expressions if they had been never so plain, could not found any original *divine right*. And it would be no difficulty, if it had been needful,

to

to evidence by examining them, that they were far from asserting that *Supremacy*, which is challenged. Sect. 3.

3. But instead of this, I shall observe, that the greatest Authority of the Christian Church, hath sufficiently disclaimed all such *Supreme Universal Authority*, and Government of the *Romish Church*. For that famous Canon of the *Council of Nice*, doth plainly give the same power and authority, to the *Bishops of Alexandria* and *Antioch*, and the other *Eparchies*, or chief Dioceses, within their limits, which it gives to the *Bishop of Rome*, and makes them stand on even ground with one another; which could not be done, if the authority of the one was *in subjection* to the other, and the authority of the other *without subjection* to any. The second General *Council* also determined to the same purpose: the sense of which is explained and confirmed in the *Council of Chalcedon*, in a genuine Canon received into the Code of the *Universal Church*, but disgusted by the *Roman Church*. Which Canon doth assert the *priviledge* and authority of the Romish Church, to have had its original from the *Constitution of the Fathers*, out of respect to the *Imperial City*: and therefore they upon the same account give to *Constantinople*, which

Conc. Nic. Can. 6.

Conc. Const. c. 2, 3.

Conc. Chalc. c. 28.

B. 1. C. 6. which was the Seat of the *Eastern Empire*, a right of ἴσων πρεσβείων *equal priviledges* and dignity of See with that of *Rome*, and to be next to it in order. The same also is established in the sixth general Council.

Conc. in Trul. c. 36.

4. But since there is an high *pretence* to a *divine right*, according to the doctrine of Christ, generally made by the Romanists, for the Universal Supreme *Spiritual Power* of the Pope; and by many of them for the *temporal* also; these pretensions must be discussed and examined. And though the latter be the more *extravagant* and *exorbitant*, yet they being both false, and some of the same Foundations being made use of, to support them both, I shall consider them together. Now it is highly improbable, that he whose doctrine establisheth the temporal power as *Gods ordinance*, and requires subjection from all persons to the same; should wholly *devest Kings* of their Supremacy, and appoint their authority to be altogether under the disposal of another, to wit, the Bishop of *Rome*. But my design being to *defend* the *Royal Supremacy*, and not only to oppose the *Roman*, I shall assert, that no *Officers* of the Christian Church ever were, or are *invested* with any such *superiority* over Princes, and if none, then not they at *Rome*.

5. Some

Sect 3 *What Scriptures the Popes themselves have used for their universal supreme claim.*

5. Some testimonies of *Scripture*, produced for the asserting a general *Supremacy* of the *Pope*, both *temporal* and *spiritual*, are so extremely fond and frivolous, that I should account it a piece of vanity to take notice of them, had they not been urged by the *Popes* themselves who challenge a title to *infallibility*. Such is that of *Boniface* the Eighth, proving that S. *Peter* and the Church had the power of the *temporal Sword*, because our Saviour said to him, *Put up thy Sword into the sheath*, therein using these words, *thy Sword?* and that when the Disciples said to our Lord, *here are two Swords*, he answered *it is enough*, *Luk.* 22. 18. *non nimis esse, sed satis*; and also urging those words of the Apostle, *The spiritual man judgeth all things*. Surely such instances as these, and divers of like nature, give evidence enough, that God never designed the whole Christian Church should be so *sottish*, and void of all understanding, as to be guided by the dictates of such men as *infallible*.

Extrav. Com. l. 1. Tit. 8. c. 1. Unam Sanctam.

6. Some of the Popes have also made use of those words of *Jeremy*, *Jer.* 1. 10. *I have set thee this day over the Nations, and over the Kingdoms, to root out, and to pull down; and to build, and to plant.* But 1. What authority can these words give

Bonif. 8. ibid. Joh. 22. in Extrav. c. Super gentes.

B. 1. C. 6. give to the Pope, when they respect not the time of *Christianity*, nor speak of any *ordinary authority* in the Jewish Church, in which *Jeremy* was no *High Priest?* but they only express a *prophetical Commission* to him an inspired man, to declare the pleasure of God from his mouth, concerning the *Kingdoms of the World*, as is manifest, from *v.* 5, & 9. 2. How strangely different was the spirit and temper of *Jeremy* towards Kings, from that of the *Roman Bishop*, notwithstandiug this his Commission? When he speaketh of the disposal of many Kingdoms, into *Nebuchadnezzars* hands; he useth not the Roman stile, as *conveying the title* unto him *himself*, but speaketh on this manner; *Thus saith the Lord, I have made the earth,----- and I have given all these lands into the hands of Nebuchadnezzar, Jer.* 27. 4, 5, 6. And when he spake to *Zedekiah*, he treated him not as his *Vasal*, but his words are, *Jer.* 37. 20. *O my Lord the King, Let my supplication, I pray thee, be accepted before thee.* So far was that mournful Prophet, from being the *Universal Monarch* of the World.

Innoc. 3. in Decretal. l. 1. Tit. 33. c. 6.

Other arguments from Scripture examined.

7. But the *arguments* most insisted on by the Romish Writers are more plausible, though insufficient, and unconcluding. For S. *Peters singular Supremacy*, they produce

produce *Mat.* 16. 18. *Thou art* Peter, *and on this rock I will build my Church.* Sect. 3.
Anſ. 1. That S. *Hilary*, the Commentaries in S. *Ambroſe*, *Gr Nyſſen*, *Cyrillus Alexandrinus*, S. *Aug.* and *Chryſoſtome* underſtand this *rock* of the *faith of S.* Peters *Confeſſion*, is acknowledged by *Barradius* the Jeſuit; beſides others obſerved in *Chamier* to the ſame purpoſe, as the Liturgy of S. *James*, *Baſil* of *Seleucia*, *Theodoret* and *Epiphanius*. And divers Fathers are in the ſame place noted to underſtand this *rock* of *Chriſt himſelf:* which ſenſe is favoured much from *Iſ.* 28. 16. 1 *Pet.* 2. 4, 7. *Anſ.* 2. As the Church of God is oft reſembled to a *building*, and called the *houſe of God*, S. *Peter* according to the expreſſion of divers Catholick Writers, may be herein owned to be πέτρα (which word ordinarily ſignifies a Rock or a Stone) a *prime ſtone* of the foundation, united to Chriſt the chief Corner-ſtone: and ſo were alſo the reſt of the Apoſtles, *Eph.* 2. 20. *Rev.* 21. 14. But to aſſert him to be the *rock* diſtinct from the whole *building*, and which beareth the whole, together with the *foundation* it ſelf, would be to exclude him from being any *member* of *Chriſts Church*, and to own him as *ſupporting Chriſt* himſelf, who is called the *foundation*, and the *chief Corner-ſtone*. And though

Barrad. de Conc. Evang. Tom. 2. l. 10. c. 23. Chamier. Tom. 2. Panſ. l. 11. c. 3, 4.

V. Dr *Hammonds* Annot. on *Mat.* 10. b.

B.1.C.6. though S. *Peter* had a kind of *priority of order*, yet all the Apostles had the *same office*, and were with him equally partakers both of honour and of power; or in S. *Cyprians* Phrase, they were *pari consortio præditi & honoris & potestatis*. This place therefore gives S. *Peter* a *spiritual eminency* in the Church, but with the rest of the Apostles: but it nothing at all concerneth any *temporal power* in him, nor any *exclusion* of *Princes* from supreme Government.

Cyp. de Unit. Eccl.

8. It is also pleaded, that Christ *Mat.* 16. 19. promised S. *Peter*, *the Keys of the Kingdom of Heaven*, and said, *Whatsoever thou shalt bind on Earth, shall be bound in Heaven*, &c. *Ans.* 1. The *Keys* being an Embleme of *Authority*, this Text doth treat of a very high and great spiritual power, of *receiving* men into the Church of Christ, and the several ranks and orders thereof, and unto the participation of Christian priviledges, and of *excluding* from all these, and *governing* the Church. But this power as the ancient Church did acknowledge, the other Apostles did also enjoy, and were actually possessed of, as appears *Mat.* 18. 18. *Jo.* 20. 21, 22, 23. *Ans.* 2. How vastly different is this power from the *temporal Dominion* over the Kingdoms of the World, of which

Cyp. Ep. 27. & 73. Aug. in Joh. Tract. 50.

which there is not any word here ſpoken by our Lord? And ſurely any man who conſidereth the *doctrine* and *lives* of the *Apoſtles*, cannot imagine that every one, or any one of them, was intended and deſigned of God to be the Soveraign Potentate, and *grand Emperour* of the World. It is therefore a juſt complaint againſt the Romiſh party, that *ex clavibus cudunt enſes, lanceas, ſceptra & coronas*; *out of the Keys they forge Swords and Spears, Scepters and Crowns*, and uſurp temporal Dominion, equal with, or ſuperiour unto Kings, notwithſtanding that our Saviour expreſly rejected from his Apoſtles, ſuch Dominion as the *Kings of the Gentiles exerciſed*: *Mat.* 20. 25, 26. Sect. 3. Conf. Helvet. c. 14.

9. But *Paſce oves meas*, *Feed my ſheep*, *Jo.* 21. 16. is a place chiefly inſiſted upon. And if no more was hence inferred, than a *ſpiritual* and Apoſtolical *authority* in S. *Peter*, this is readily granted and aſſerted, and the other Apoſtles enjoyed the like. But *Bellarmine* will have ποιμαίνειν, to be a Charter of *Soveraignty*, and to enclude *governing* and commanding as a *King* doth. And he and others alſo infer the *extent* of S. *Peters* power, over all *Apoſtles and Kings*, becauſe they are *Chriſts Sheep*. To which I *Anſ.* 1. Not S. *Peter* only, but all *Biſhops* and Elders, are commanded Bellarm. de Rom. Pont. l. 1. c. 14, 15, 16. Layman. Theolog. Moral. l. 1. Tr. 4. c. 6.

B. 1. C. 6 commanded ποιμαίνειν, to feed, or have a Pastoral care over the Flock. *Act.* 20. 28. 1 *Pet.* 5. 2. And among all Ecclesiastical Writers, beginning from *Ignatius* and downwards, the Bishops and chief Officers of the Church, have been acknowledged to be *Pastors*. Now if this Office of *Pastor*, doth not necessarily enclude a Soveraign or *supreme Government*, then no such can be asserted to S. *Peter*, or his pretended Successor, from this Text: if it doth, then must this be ascribed to every Bishop, which will necessarily overthrow the Popes *Universal claim*. *Ans.* 2. Government over the *Sheep* of Christ, is also too narrow a compass for an *Universal Monarchy*.

Ambr. de dign. Sacerd. c. 2. Ignat. Ep. ad Philad. & ad Rom. Euf. Hist. Ecc. l. 8. c. 25.

10. *Ans.* 3. Ποιμαίνειν being a Metaphor from Shepherds, is thence sometimes used, for to *take care and feed*, and at other times for to *rule and govern*, and oft for both. Now though the Officers of Christ have a *pastoral authority* over his Flock: yet these words, *Joh.* 21. 15, 16, 17. were principally directed to S. *Peter*, as supposing in him this authority, and requiring his duty of *care and feeding* and not as conveying to him a *peculiar authority* and Dominion: because this is enjoined upon him as an evidence of his *love* to Christ; and because among the three Precepts, to

take

take care of the *Sheep* of Chriſt and his *Lambs*, two of them are there expreſſed by βόσκειν, which muſt be underſtood only of *feeding*. *Anſ.* 4. Civil Governours alſo are to be as *Shepherds* over their Flock, with particular reſpect to *rule* and *Government*. The Government of God is ſometimes expreſſed by his being the *Shepherd of Iſrael*: and a Prince, whom *Homer* ſtiles, the *Paſtor of the people*, ποιμένα λαῶν, is by *Philo* and other Writers, oft mentioned by a like name. And a *civil paſtoral power* over all their people, is yielded to them, *Num.* 27. 17. *Iſ.* 44. 28. which is expreſſed in the *Septuagint*, by ποιμαίνειν, 2 *Sam.* 5. 2. *Ch.* 7. 7. *Pſ.* 78. 71, 72. But every one muſt uſe their power according to their *office*: Eccleſiaſtical Officers are to uſe the *ſpiritual authority*, but *temporal Soveraignty* is reſerved to Princes. *Anſ.* 5. The *paſtoral office* of the guides of the Church, doth extend it ſelf even to *Kings*, with reſpect to the conduct of their *Souls*, but yet this doth not exempt them from being under the *Regal Soveraignty*. A Prince may be ruled by a *Phyſician* concerning his health, or be led by a *guide* at Land, or a *Pilot* at Sea, and not loſe his *Soveraignty* over theſe Subjects. And the Kings of the Houſe of *David*, were the *chief Rulers* over

Sect. 3.

Phil. de Agricult. & de Joſeph. & quod omnis probus liber.

B. 1. C. 6. the Realm, though the Priests were to *offer Sacrifice* for Prince and People, to *direct* them in Religion, and to *judge* in case of *Leprosy*, and such like.

SECT. IV.

Other arguments for the pretences of Papal Authority, answered and refuted.

Annal. Eccles. an. 57. n. 28, 29, 30.

1. The support which *Baronius* affords, for the *Popes Supremacy*, is that Christ himself is a *Priest, after the order of Melchisedek*, being both *King* and *Priest*, according to the Apostle, *Heb.* 7. and that from him the *regal and sacerdotal authority*, are together conferred upon his Church, first upon the Apostles, and then upon their Successors: which he further undertakes to prove, because our Saviour declared to his Disciples, *Jo.* 20. *As my father sent me, so send I you*; and did establish in his Church a *Royal Priesthood*, 1 *Pet.* 2. And though the Cardinal will not allow, that this authority in the Church, doth make *void* the *political power*; yet he doth assert, that this Regal *Ecclesiastical Authority*, must be *superiour* thereunto.

Ibid. n. 31, 32.

The Priesthood of Melchisedek.

2. But concerning the *Melchisedekian Priesthood*,

Prieſthood, he did not conſider theſe two things. 1. That the making the *ſupremacy of power*, to be conjunct with the *Prieſthood*, doth deſtroy the *peculiarity of power* challenged by the *Biſhop of* Rome, for thence it muſt be inferred, that they who *equally* partake of *Prieſthood* with the *Biſhop of Rome*, muſt have an *equal ſupreme authority* with him. 2. That one thing which the Apoſtle did moſt eſpecially inſiſt on, concerning the *Prieſthood of Melchiſedek*, is, that the *Prieſt* or High Prieſt of that *Order*, muſt not derive or receive his Prieſthood from any *Predeceſſor*, nor leave it to any *Succeſſor*, but muſt abide *a Prieſt for ever*, through that whole diſpenſation, under which he is Prieſt, *Heb.* 7. 3, 8, 16, 17, 21, 23. 24, 28. And therefore the *Melchiſedekian Prieſthood* is no more *transferred* from Chriſt, to any other perſon in the Church, then his proper *mediatory office* is. And they who ſay, that this Prieſthood of Chriſt, cannot indeed be enjoyed by any as *ſucceſſor* to him, but only as his *Vicar*, do not ſo avoid the force of this argument: For it remains certain, that no ſuch *pretended Vicar* can partake of this *Prieſthood*, becauſe in him it muſt be *received* from a *Predeceſſor* (*viz.* in that Vicarſhip, and Prieſthood) and be *left* to a Sect. 4.

Beverl. de Epiſc. Rom.

B.1.C.6. *Successor*, which is so highly contrary to the nature of this Priesthood.

Of the Apostolical Mission. 3. When Christ sent his Apostles *as his father sent him*: 1. These words enclude a fulness of Ecclesiastical and *spiritual authority*, or the power of the *Keys*, which was given to all the Apostles. 2. But they do not make the Apostles *equal*, in dignity or *dominion*, with Christ himself; in being *Saviour* and *head* of the Church; or *Lord* over, and *Judge* of the quick and the dead. 3. Even *Christ* himself when he was upon Earth, being as man *under the law*, was not only obliged to practise the duties of the *first table*, and the other Commandments of the second table, but even to the observance of the *fifth Commandment* also.

And the Office of the Ministry. 4. And those persons who in general defence of *Ecclesiastical Supremacy* urge, that they who are *Officers of Christ*, and furnished with *his authority*, ought not to be in subjection to *secular rulers*, but superiour to them, to whom Christs authority is superiour; may consider, 1. That *Parents* and *Husbands* have authority from God, and from Christ, and yet are under *Kings* and Princes. 2. The *superiority* of any Officer of Christ, must not be measured by the *height of Soveraignty*, which Christ himself hath; which would make

make the *ſervant*, even every Deacon equal with his *Lord* (and by the like pretence, every petty Conſtable muſt have equal authority with the King) but by the *conſtitution* of his *office*, and the power thereby *conveyed* to him. For neither *God* in governing the World, nor *Chriſt* in governing the Church, ever gave to any other an authority equal to what he poſſeſſeth. 3. Chriſt came not to *overturn* the Government of *God his father* in the World, which hath eſtabliſhed the *ſupreme temporal power*: yea his *mediatory Kingdom* and adminiſtration, is in ſubjection to the Father, and our Saviours Doctrine yieldeth that *authority* to Princes, that it earneſtly preſſeth a general and *neceſſary ſubjection*, *for Conſcience ſake*, to their Government. Sect. 4.

5. And as to what *Baronius* urgeth, from the *Royal Prieſthood*, mentioned by S. *Peter*, 1 *Pet.* 2. 9. it may be obſerved, 1. That that expreſſion hath not reſpect to a peculiar *ſacerdotal office* in the Church, but to the *dignity* of the *Chriſtian Church* in general; as is manifeſt from the place it ſelf, and acknowledged by their own Writers. 2. If this Text did expreſs any *peculiar power* in Eccleſiaſtical *Officers*, it muſt have particular reſpect to thoſe *Eaſtern Churches*, to whom *The Royal Prieſthood.* Salian. an. 2544. n. 347. Eſtius in loc.

B. 1. C. 6. that Epistle was written, 1 *Pet.* 1. 1. and 3. It is well observed by Bishop *Andrews*, that even that *Royal Priesthood*, *v.* 9. is commanded to be *subject to every ordinance of man*, and to *the King as supreme*, *v.* 13. as I above observed.

Ch. 4. S. 2. n. 3. M.

Of the Plea of expediency for the Churches good.

6. And while some say, it is expedient for the *Churches good*, that the Ecclesiastical Authority should be *superiour* to the *temporal*; otherwise its *welfare and good* is not sufficiently provided for: this Plea might appear more plausible, 1. If there could be no *ignorance*, *heresy*, *pride*, or *ill designs* in any who have the title of *chief Officers* in the Church: which no man can believe, who reads the Lives of the Popes, written by their own Authors. 2. If *Kings* and Princes must never be expected to be *nursing Fathers* to the Church, and to take care of it. 3. If the great design of Christianity was to take care, that Christians must never follow their Saviour in *bearing the Cross*; and that this Religion did not aim at the promoting true *faith* and *holiness*, meekness and peace, but at outward *splendor*, *dominion* and power in the World, according to that notion the *Jews* had of a Messias. And this is not only a *weak*, but a *presumptuous* way of reasoning, to controul and *affront* the Gospel of Christ, and to dare

to

to tell him, how he ought to have *eſtabliſhed* his *Kingdom*, to other purpoſes than he hath done. Sect. 4.

7. And after all this, there is nothing more unreaſonable, than for the Church of *Rome*, to *monopolize* unto its ſelf alone, that authority which was committed to S. *Peter*, and the other *Apoſtles*. For it is not at all to be doubted, but the Apoſtles committed a chief *preſidential* and *Governing authority*, in their ſeveral limits, to other *Churches* beſides the Roman. The ancient Fathers frequently expreſs the *Biſhops* of the Chriſtian Church in general, to be the *Apoſtles Succeſſors*. S. *Cyprian* and *Firmilian* aſſert, all Biſhops to *ſucceed the Apoſtles*, even *ordinatione vicaria*, as placed in *their ſtead*, and poſſeſſed of that power, which was from them fixed in the Church. *Amongſt us*, ſaith S. *Hierome*, *the Biſhops do hold the place of the Apoſtles*: and *for*, or inſtead of *the Apoſtles are appointed Biſhops*, ſaith S. *Auſtin*. *Tertullian* declares, that to his time *Cathedræ Apoſtolorum the Cathedral Sees* placed by the Apoſtles themſelves, did ſtill continue their *preſidency* in the *Apoſtolical Churches*: of which he mentions many by name, and *Rome* as one of them.

S. Peters *Authority not peculiar to* Rome.

Baſil. Ep. 55. Cyp. Epiſt. 69. Firmil. in. Cyp. Ep. 75.

Hier. ad Marcellam. Aug. in Pſ. 44.

Tert. de Præſcr. c. 36.

8. And as there is no evidence that S.

B. 1. C. 6. *Peter*, who also presided at *Antioch*, left all *his authority* peculiarly to *Rome*: so there is sufficient evidence that S. *Peter* who was commanded to *feed the Sheep* of Christ, did *yield* this authority to the Elders or Bishops of *Pontus*, *Galatia*, *Cappadocia*, *Asia and Bithynia*, that they should ποιμάνειν, *feed the flock of God which was among them*, 1 *Pet.* 5. 2. And hereby he either *committed* that pastoral authority, which he received from Christ, unto the *Bishops* of those free Churches, of the *Ephesine*, *Thracian* and *Pontick Dioceses*, to whom he wrote, and which afterward were placed under the *Patriarch of Constantinople*: or at least he *acknowledged this authority* in them. And therefore so far as concerneth a *divine right*, these *Eastern Churches* in the Territories of *Constantinople*, have fully as fair a Plea hereby, for deriving a *pastoral authority* from S. *Peter*, or having it particularly *confirmed* by him, as they at *Rome* ever had.

This Realm not feudatory. Bellarm. in Apol. pro Resp. ad Jac. Reg. c. 3. in Responsione ad Bel. Ap. c. 3.

9. But with respect to *England*, divers Romish Writers alledge, that it became *feudatory* to the See of *Rome*, by *King Johns* resigning his Crown, to *Pandulphus* the Popes Legate: to which thing objected and misrepresented by *Bellarmine*, divers things are returned in Answer by Bishop

ſhop *Andrews*. But waving ſuch particular anſwers as might be given, I ſhall chuſe to obſerve in General, that this Caſe is the ſame, as if any *ſeditious perſons* or *Uſurpers*, ſhould by fraud or force, reduce the King to ſtraits and difficulties; and ſhould then by like methods gain a *promiſe* from him, that he ſhould be under their *government*, and ſhall order the affairs of his Realm in complyance with them, and *ſubjection* to them. Now all ſuch acts are utterly void and wholly unobligatory, becauſe 1. No juſt right of *Supremacy* or any part of Royalty, can be gained by poſſeſſion upon an *unjuſt title*, againſt the right owner upon a ſure title: this being a parallel Caſe to a *Thief*, being poſſeſſed of an honeſt mans goods. And therefore though ſome *Kings of England*, as *Hen.* 3. and *Edw.* 1. did, until they could without danger free themſelves, pay to the Pope an *annuus cenſus* of a thouſand marks, as appears from the Records of the *Tower* publiſhed by Mr *Pryn*; yet this is only an evidence of the *oppreſſive injuries*, which this Crown ſuſtained, by the *intolerable exactions* of the Pope. 2. No *Soveraign King*, (unleſs by voluntary relinquiſhing his whole authority to the next Heir) can *transfer* his Royal *Supremacy* to any other perſon whomſoever: partly becauſe the divine

Sect. 4.

n. 6

Addit. to *Hen.* 3. an. 10. f. 70. An. 10 *Ed.* 1. p. 279. An. 12 *Ed.* 1. p. 318. An. 17 *Ed.* 1. p. 391. &c.

B. 1. C. 6. divine constitution having placed Supremacy, in the chief secular Governours, God expecteth from them a due care, of *managing* of this power, for the good of his people, and for the advancing his own service and glory: nor can any act of theirs, make the *duty* which God still requires from them, to become *void*; no more than a *Father* or *Husband* can discharge themselves, from the duties of those Relations, while the Relations themselves continue. Partly also because the constitutions of the Realm, oblige all the *subjects* thereof, to maintain the Royalties of the Crown; and to perform Faith and true *Allegiance*, not only to the *King* in being, but also to his *Heirs and Successors*. And partly because it is a great and special priviledge of a *free born people*, that they cannot according to the condition of *slaves* have the chief and principal *Dominion* over them, *translated* from one to another, according to the pleasure of any person whomsoever, though it be their own natural Prince: which is both his and their great security and advantage.

CHAP.

CHAP. VII.

The Romiſh Biſhop hath no right to any Patriarchal *Authority, over the Church of* England.

SECT. I.

The whole Chriſtian Church was never under the Patriarchal Sees.

Of Patriarchal Authority.

1. THE title of *Patriarch*, was not in the beginning of the Church, fixed as peculiar to the Biſhops of thoſe Churches, which for many Ages have been ſo called. This ſtile was not oft uſed in the firſt Centuries, and when it grew into uſe, was yielded to other famous Biſhops, by *Socrates*, who did not preſide in any of thoſe Churches, which have been commonly accounted *Patriarchal*. And this title alſo in an inferiour degree, was of late by *Duarenus* allowed to the Biſhop of *Aquileia*, *Canterbury*, and others. The Biſhops of *Rome* themſelves ſeem not to have much affected, or uſed this ſtile: but they were ordinarily owned to be *Patriarchs*, not only in the *Eccleſiaſtical* account,

Socr. Hiſt. l. 5. c. 8.

Duaren. de Benef. l. 1. c. 9.

B. 1. C. 7. count, but in the *Imperial* law. And as this is a title of *ſpecial honour*, given to ſome Sees; ſo it encluded an *Eccleſiaſtical authority*, extended to divers Provinces, and over ſeveral *Metropolitans*.

2. Now though the Romiſh Biſhops pretence to an *Univerſal Soveraignty*, be very vain and unjuſt; yet if he have but a *patriarchal right*, as ſome have demanded for him, over all the *Weſtern Churches*, this will entitle him to an *authority* in this *Realm*, which is a member of them. Hereby he would be chief *ſpiritual judge*, to *receive appeals* in Cauſes Eccleſiaſtical, from the Metropolitical Juriſdiction, and to have the higheſt, conſtant, and fixed power of *cenſure* and *abſolution*: beſides what concerneth the *Conſecration* of Archbiſhops, or Metropolitans, by his act or conſent, and a chief authority with reſpect to *Synods*. And though a true *Patriarchal right*, be of the ſame nature with the *Archiepiſcopal*, which ought to acknowledge the ſupreme *authority* of the Crown, yet if any ſuch authority be placed in any *Foreigner*, it would *impair* the juſt dignity of the *Prince*, as I ſhall hereafter evidence. But that no *foreign Biſhop* or Patriarch, ought to have any ſuch authority in *this Realm*, will appear manifeſt, by the proving *three aſſertions*, which I ſhall perform in this Chapter. 3. Aſ-

Sect. 1.

3. Assert. 1. The ancient Christian Churches, were never all of them under the *Patriarchal Bishops*; *viz.* of *Rome*, *Constantinople*, *Alexandria*, *Antioch* and *Jerusalem*. But there were anciently divers *free Churches*, or *Dioceses* (which word was several times of old used, for the larger limits of *many Provinces*) independent on any superiour *Patriarch*. For that all the Patriarchates, and other ancient great *Dioceses* or *Eparchyes*, were only within the limits of the *Roman Empire*, is manifest, because the extent and bounds of their particular *Churches*, was ordered and *fixed*, according to the division of the *Imperial Provinces*. And therefore besides the greater *Armenia*, which was a Christian Kingdom and no part of the Empire, in the time of *Constantine*, and both before and after him; all the Christians who lived under the *Barbarous Nations*, are reckoned as distinct from the Patriarchal, and other head *Dioceses* or Churches, by the second *General Council*.

Many free Churches not anciently under any Patriarch.

Conc. Const. c. 2.

4. And whereas until 450. years after Christ, there were only *three Patriarchal Sees* erected, at *Rome*, *Alexandria*, and *Antioch*; not only the Churches in the remote parts of *Asia*, and *Africa*, and others without the Empire: but those of the

The Pontick, Thracian, and Asian Churches.

B. 1. C. 7. the *Pontick*, *Thracian*, and *Asian* Dioceſes or Eparchies, which were in the heart of the Empire, were *in ſubjection* to none of thoſe *Patriarchs*, but were all that time αὐτοκέφαλοι, governed by themſelves, as appears from the ſecond general Council. But when the *patriarchal limits*, and authority of the Church of *Conſtantinople* was eſtabliſhed; the Churches of thoſe *three regions* now mentioned, which as *Theodoret* acquaints us, contained twenty eight Provinces, or *Metropolitical Juriſdictions*, were made ſubject to the Biſhop of *Conſtantinople*, by the authority of the fourth general Council. But beſides theſe, there were alſo other particular *Churches*, *free* from all Patriarchal Juriſdiction, of which I ſhall give ſome inſtances.

Conc. Conſt. ib.

Theod. Hiſt. l. 5. c. 28.

Conc. Chalc. c. 28.

The Cyprian Church.

5. The Province of *Cyprus* in the Eaſtern Church, when the Patriarch of *Antioch* claimed a ſuperiority over it, and a right of *ordaining* therein, had its *liberty* and freedom *defended*, and ſecured againſt him, by the third General Council. Indeed this Canon of the Council of *Epheſus* did chiefly provide, that no *Cyprian Biſhops* ſhould *receive* their *ordination*, from the Biſhop of *Antioch*, or from any other than the Biſhops of their own Iſland. Yet to put a ſtop to thoſe *evaſions*, which ſome

Conc. Eph. c. 8.

ſome have endeavoured to make, in this Caſe, as if in other things beſides Ordination, they might be *ſubject* to the Biſhop of *Antioch*, he who duly weigheth this *Canon* will diſcern, that it plainly enough *condemns* the attempt of the Biſhop of *Antioch*, as an invading ἐπαρχίαν ἑτέραν, *another diſtinct Eparchy* or Province, which was not *heretofore and from the beginning, under the authority of him, or of thoſe who did precede him.* And when the ſixth General Council did confirm this Canon of *Epheſus*, concerning the *Liberties* of the *Cyprian Churches*, they do own the priviledges, given to the Metropolitan of *Cyprus* in his Territories, to be equal to thoſe, which the Biſhop of *Conſtantinople* enjoyeth in his. To which may be added, that in the Synod of *Antioch*, in the Reign of *Conſtantius*, among the ſeveral *Provinces* belonging to that *Patriarch*, which therein aſſembled, there is no mention at all of *Cyprus*. Sect. 1. Conc. in Trul. c. 39.

6. Alſo the *Weſt African Churches*, taking in all *Numidia*, *Mauritania*, and the other ample Territories of the *Carthaginian Juriſdiction*, were never under any of the *Patriarchs*. Theſe limits were never claimed to any of the *Eaſtern Patriarchates*, and are ſufficiently excluded from thence, by the Canons of *Nice*, *Conſtantinople*, *The African Churches.* Nic. Conc. c. 6.

B. 1. C. 7. Conſt. c. 2. Chalc. c. 28.

tinople, and *Chalcedon*, which fix the bounds of thoſe Churches. But when the *Biſhop of Rome* claimed a power, to *receive appeals* from thoſe Churches, in the caſe of an *African Presbyter*, who was therein cenſured; and pretended a *Canon* of the Council of *Nice*, to give him that authority: the African Fathers, after they had diligently ſought for the moſt perfect Copies of the Nicene Canons, from *Conſtantinople*, *Alexandria*, and *Antioch*, beſides what they had before in Latine, did detect the *fraud*, and *falſhood* of the claim of the Biſhop of *Rome*, and rejected his demand. To this purpoſe the ſum of their proceedings may be viewed, not only in particular Writers, but alſo in the Greek Copy of the *African Code*, which was received in the ſixth general Council, partly in the beginning and partly in the concluſion thereof.

7. But whereas it is pretended by ſeveral Romiſh Writers, that theſe *African Fathers* did in the end of this conteſt, *yield* this authority to the Biſhop of *Rome*; even this is very far from truth. Indeed they were reſolved to *ſubmit*, if there was any Canon of *Nice* which enjoined that *ſubmiſſion*: but after this demand concerning *appeals*, was made by Pope *Zoſimus*, and canvaſed in the time of his Succeſſor

Sect. 1.

Successor *Bonifacius*, the African Fathers write to *Cœlestin* who succeeded him, both *asserting* their own *liberty* of Governing their own Church, and requiring him not to receive any into *Communion*, whom they had *rejected* from it. And whereas in the beginning of this contest with *Zosimus*, there was a Canon made in the Council of *Milevis*, declaring, that those who should *make appeals beyond the Seas*, (or to *Rome*) should be uncapable of *being received into Communion, by any in Africa*: after this dispute was more fully debated and considered, they were so far from *retracting* this Canon, that they caused it to be put into the African, or Carthaginian *Code*, which was compiled and *confirmed*, about the end of this disquisition, and therein this Canon remains as a *standing rule*.

Ad finem Conc. Carth. Gr.

Conc. Milev. 2. Can. 22.

Cod. Afric. c. 27.

Conc. Carth. gr. c. 31.

8. But because it hath been observed by *Zonaras*, and by very many since, that what the Bishop of *Rome falsly urged* as a Canon of *Nice*, was to be found among the Canons of *Sardica*: concerning that I shall note two things. First, That he who considers, that *Zosimus* would herein have *falsified* the Council of *Nice*; that neither he nor they who managed this contest under him, or after him, did urge the authority of the Council of *Sardica*, to those

Zonar. in Conc. Sard. c. 5.

Of the Canon of Sardica.

B. 1. C. 7. African Biſhops; and that thoſe Biſhops after all their enquiry, did declare to the Epiſt. ad Cœleſtin. ubi ſup. Biſhop of *Rome*, that they had never read in any *Synod of the Fathers*, that any ſuch authority was granted to him; may be apt to ſuſpect, that poſſibly there hath been no very *fair dealing* about this Council of *Sardica*; or at leaſt muſt conclude, that they at *Rome* were ſenſible, that *Africa* was not *ſubject* to the authority of that Council.

Cham. Tom. 2. l. 13. c. 7. Marc. de Conc. l. 7. c. 3. n. 6. 9. Secondly, That in this Council of *Sardica*, as *Chamier* obſerved, and *P. de Marca* owneth, here were no proper *appeals* to *Rome* aſſerted, that the caſe under complaint might be there *determined*; but only that the Biſhop of *Rome* might order a *reviſing* of the *ſentence*, which had been pronounced againſt any Biſhop, upon his application to him. And the *ſtate of the Church*, and the occaſion of this Soc. l. 2. c. 5, 6, 7, 16, 18. Sozom. l. 3. c. 5, 10, 11. Conſtitution was this. *Arianiſme* greatly prevailing in the Eaſt, the *Arian* Biſhops there *ſentenced*, and *depoſed* divers Catholick Biſhops, as particularly they had done to *Athanaſius* in a Synod of *Antioch*, who yet was received at *Sardica*. Now that the faith of *Nice* might not by ſuch methods be *ſuppreſſed*, and the *Communion* of the Catholick Church be thereby *confounded*; the Orthodox Biſhops at *Sardica*,

Sardica, who thought themſelves not bound to *diſclaim Communion* with all whom the *Arian* Heretical Biſhops ſhould *reject*, allowed the Biſhop who had been *cenſured*, a liberty to have his Caſe *re-examined*. And they committed this as a *truſt* to the Biſhop of *Rome*, for the preſerving the *Catholick Communion*, that he ſhould *appoint Biſhops* about that *Province*, ſending others alſo to join with them, to *judge* of that Caſe: which truſt the ſucceeding Biſhops of *Rome* made ill uſe of, for the inordinate advancement of that See. But this Canon gave not the Biſhop of *Rome* an *Univerſal ſuperiority*, in the right of his Church; but dealt with him, as the ſecond General Council did with ſeveral eminent Biſhops of the Eaſtern Churches, who were appointed as *Capita communionis* that the reſt of the Church might communicate with them, with whom they held Communion. Nor could the *Weſtern Biſhops* convey any authority over the *Eaſtern Church*, which was here chiefly concerned. Sect. 1. Sozom. l. 7. c. 9. Marca de Conc. l. 1. c. 3. n. 9.

10 Now as theſe *Cyprian* and *African* Churches, as well as thoſe in theſe Iſlands, had an *Independent Eccleſiaſtical authority*, of the ſame nature with the *Patriarchal*, but not honoured with that *title*; ſo I might diſcourſe further of other ſome-

B. 1. C. 7. what like inſtances, both in the *Eaſt* and the *Weſt*: but I think that would be needleſs, eſpecially becauſe the *Patriarchal bounds*, and the *limits* of other *free Churches*, ought not now to be fixed in all places, upon the ſame terms, on which they ſtood in the ancient Church, as I ſhall evidence in my third aſſertion. And therefore I ſhall omit the conſidering the Church of *Bulgaria*, and of the *Aſian Iberia* which by *Balſamon* are owned to have been in his time αὐτοκέφαλοι, the former according to the Conſtitution of *Juſtinian*; and the latter by a Synod of *Antioch*, appointing that that Church which was before under the Patriarch of *Antioch*, ſhould be *free* and *head of it ſelf*.

Balſ. in Conc. Conſt. c. 2. Novel. 131.

11. And concerning the *Weſtern Church*, it may be obſerved, that whereas a prime *patriarchal right* is expreſſed by the Council of *Chalcedon*, (and the ſame may be collected from the Council of *Epheſus*, in the place above-mentioned, concerning the *Cyprian Church*) to be this; that the *Metropolitans* under him, who have liberty to *ordain* the Biſhops of their Provinces, ſhould be *ordained* by the *Patriarch*: it is no difficulty to prove, and is granted by *P. de Marca*, that the chief part of the *Weſtern Church*, even all out of the *Urbicarian Dioceſe*, which took in only

Conc. Chalc. c. 28.

Ubi ſup. l. 1. c. 7.

only ſome part of *Italy*, did never thus anciently depend on the Biſhop of *Rome* for *Ordination*. Sect. 1.

12. And touching the *Eaſtern Church*, the limits of the Patriarchate of *Conſtantinople*, have been above obſerved. The Territories of *Alexandria* were by the Council of *Nice* declared to be *Egypt*, *Libya*, and *Pentapolis*. *Antioch* had once under it *Cœloſyria*, *Phœnicia*, *Paleſtine*, *Arabia*, *Meſopotamia*, *Cilicia* and *Iſauria*: but when the Church of *Jeruſalem* was made Patriarchal, it was agreed in the Council of *Chalcedon*, that all the three *Paleſtines* ſhould be reſerved to its Juriſdiction. Conc. Nic. Can. 6. V. Præf. ad Conc. Antioch. Conc. Chalc. Actions 7.

13. And ſuch few expreſſions in ſome ancient Authors, as ſpeak of the Biſhop of *Rome preſiding* in the *Weſt*, or being the *Patriarch* of the *Weſt*, are not ſufficient to prove the whole *Weſtern Church*, to have been ſubject to him, but only ſome part thereof. For the Biſhop of *Antioch* is oft ſaid, both by Councils, and other Writers, to govern the *Eaſt*; and yet the whole *Eaſtern Church* as diſtinguiſhed from the *Weſtern*, never was under his Juriſdiction. Conc. Conſt. c. 2. Conc. Chalc. Act. 1. Hieron. Ep. 61. c. 15.

SECT. II.

No Patriarch ever had any juſt claim of Patriarchal Authority *in this Iſland.*

1. The ſecond Aſſertion, which I ſhall make good, is, that the Churches of this Iſland had that *ancient liberty* and freedom, that no *Patriarch* had any juſt claim of *Patriarchal Authority* over them. The *Eaſtern Patriarchs* never pretended to any, nor had the Romiſh Biſhop any right to challenge it.

Britain received Chriſtianity before Rome.

2. For ſince this Iſland *received Chriſtianity*, ſome years before any Church was founded at *Rome*, it could not then have any dependance upon the Church of *Rome*. Beſides what many other Writers expreſs, concerning *Joſeph* of *Arimathea*, preaching the Goſpel here; even *Baronius* from a Manuſcript in the *Vatican*, gives a relation of his coming into *France*, and thence into *England*, upon the diſperſion after the death of S. *Steven*: and this muſt be divers years before S. *Peters* coming to *Rome*. And there want not Authors to aſſert, that S. *Simon*, S. *Philip*, and other Apoſtles and Apoſtolical men, did declare the doctrine of Chriſt in this Iſland, as hath been obſerved by thoſe, who purpoſely

Bar. An. 35. n. 5.

Antiq Brit. p. 1, 2, 3. Maſon. de Min. Angl. l. 2. c. 2. Uſſer. de Prim. Ec. Br.

poſely give us an account of the *original of Chriſtianity* here. But concerning the early *Converſion* of the *Britans*, it will be ſufficient to obſerve the teſtimony of *Gildas*, who was himſelf a *Britan*, who tells us, that here the Precepts of Chriſt were made known, *tempore ut ſcimus ſummo Tiberii Cæſaris*; *in the latter end of the reign of Tiberius Cæſar*. Now the ſecond year of *Claudius*, when according to the general account S. *Peter* firſt preached Chriſtianity at *Rome*, muſt be about five years after the death of *Tiberius*: *Caligula* wanting but little more than a month of four years. Wherefore with reſpect to the *firſt planting* of the Church, one Siſter Church cannot claim ſuperiority over another, eſpecially not over the *Elder*. Sect. 2. Gild. de Excid. Brit. Baron. An. 44. n. 25.

3. Nor were there ever any *Canons* of the ancient Church, which ſubjected theſe Realms to the See of *Rome*: but the fixed *rights* of the free Churches were ſecured in the three firſt General Councils, in thoſe Canons I have above mentioned. And the Council of *Epheſus* is very zealous, againſt the invaders of theſe priviledges, as being a thing in which the *liberties of all Churches* are concerned, and by which the intent of the *ſacerdotal function* is perverted. Conc. Nic. c. 6. Conſt. c. 2. Eph. c. 8.

B 1. C. 7. *Britannick liberty preserved till Austin the Monk.* Bed. Eccl. Hist. l. 2. c. 4.

4. That these Churches did preserve and retain their *liberties*, until the time that *Austin* the Monk came into *England*, is manifest, in that both in the *Southern* and *Northern* parts of this Island (as also in *Ireland*) they celebrated *Easter*, and observed some other rites, differently from the Rules and Canons of the other *Western Churches*, and particularly of the *Roman*; and therefore were not governed by them. Indeed they celebrated *Easter* upon the *Lords day*, as was noted by the Emperour *Constantine*, at the time of the Council of *Nice*: but they fixed on this day by a different rule, from that of other Churches. And when *Austin* required them, to *submit* themselves to the Romish Church, and to change these their *different rites*, they would not hearken to him herein, but both *Britans* and *Scots* long observed their former usages; and some of their *Clergy* and *Monks* who lived within the English limits, and *Colman* Bishop of the *Northumbrians*, rather left their places, than they would forsake the *customs* of their own Church. Yea they *disowned Communion* with him, as invading the Liberties of their Churches, and the *Scotch Bishops* would not so much as *eat* in the House where *Austins* Company was, as is related in a Letter of *Laurentius*, who succeeded *Austin*

Euseb. de Vit. Const. l. 3. c. 18. Bed. Hist. Eccl. Ang. l. 2. c. 2. & l. 3. c. 4.

Bedæ Hist. Eccl. l. 5. c. 20. & l. 3. c. 25. *Bishop* Spotsw. *Hist. of Sc.* l. 1. p. 18. 11. Huntingd. Hist. l. 3.

ſtin at *Canterbury*, recorded in *H. Huntingdon.* And the plain Declaration of the *Abbot and Monks of Bangor*, who were the moſt eminent Society of the Britiſh Church, conſiſting of thouſands, did fully *diſclaim*, and *proteſt againſt* all right of ſubjection to the Biſhop of *Rome*, as is expreſſed in their *proteſtation* made to *Auſtin*, and exhibited in the Britiſh tongue by Sir *Hen. Spelman*, wherein they own no *ſubjection* to any, above their own Archbiſhop, as a ſuperiour Eccleſiaſtical Officer. Sect. 2. Spelm. Conc. Vol. 1. p. 108, 109.

5. Nor did the Biſhop of *Rome* gain any juſt *right* of Patriarchal Authority over this Realm, after the coming of *Auſtin* into *England*, and all that can be pretended to that purpoſe is, either by pleading that the Engliſh were *converted* by *Auſtin*, who was ſent hither by Pope *Gregory* or that there was a great honour, *reſpect*, *and ſubjection*, for many years yielded to the Biſhop of *Rome* in this Iſland. Both theſe pretences I ſhall examine. *This Realm not made ſubject to* Rome *by the Converſion of the Saxons.*

6. Now it is acknowledged, that this *Auſtin* was inſtrumental for the *converting* very many of the *Saxons* to Chriſtianity. Yet here I obſerve three things. 1. That they who Convert *Foreign Nations*, do not thereby make thoſe Nations and Churches, to be *perpetually ſubject* to thoſe

B. 1. C. 7. those Foreign Churches, from whence they came. For this would make Christianity to enclude a *servitude* in the profession of it, and worldly *Dominion* in the preaching it. Had this been a rule in the Primitive Times, this *Island* and a great part of the Christian Church all over the World, must have *yielded subjection* to the Bishop of *Jerusalem*, many Cities and Regions being first *instructed* in the Christian Doctrine, and *converted* thereto, by the dispersed Members of that Church; and amongst others *Antioch* it self, *Act.* 11. 19, 22, 26. and even *Rome* also was *partaker of their spiritual things*, *Rom.* 15. 27. And yet these Christians being made subject to *Christ*, and not to *Jerusalem*; the Bishop of *Jerusalem* for some hundred years, was no *Patriarch*, even till the Council of *Chalcedon*; nor *Metropolitan*, but was under the Bishop of *Cesarea*: only he had a peculiar *honour* reserved to him by the Council of *Nice*. And if this had been a rule for later times, then *Frisia*, *Zealand*, and other *Belgick Provinces*, must have been subject to the Church of *England*, since under God they owed their *Conversion* to *Wilfrid* an English Bishop. Indeed some Canons have given Bishops Authority, to *govern* such places as they should *convert*: but

Hieron. Ep. 61. n. 15.

Conc. Nic. c. 7.

Eccl. Hist. l. 5. c. 20.

Conc. Carth. gr. c. 103, 120, 121.

but this tended only to give those *persons*, the deserved honour, of being the *Bishops* of those places which they had reduced from *heresy* or *infidelity*, where any other had not a previous right thereto; but not to make that Church or Kingdom *subject* to a remote *Foreign Soveraignty*. All that could be hence inferred is, that it was reasonable that *Austin* should be *Bishop* in *England*, but not that *Gregory* should be *Patriarch* over it; though he also deserved to be greatly *honoured*, for being so instrumental to the Conversion of the English. Sect. 2.

7. I observe, Secondly, That when *Austin* came into this Island, it was inhabited by four distinct sorts of Nations or people, the *Britans*, the *Scots*, the *Picts*, and the *English* (with which, without being curious about words, I enclude also the *Saxons*, and *others* who accompanied them out of *Germany*) That the *Britans* were ancient Christians, before the coming of *Austin*, needeth no further proof. And such were also the *Scots*, over whom *Palladius* was an eminent Bishop, almost two hundred years before *Austin*. The *Picts* also in their *Northern quarters*, towards forty years before the coming of *Austin*, were Converted by *Columba* or *Columbanus*, who came out of *Ireland*; and the *Southern*

Bed. Hist. l. 1. c. 13. Bed. Hist. l. 3. c. 4. Chronol. Sax.

B. 1. C. 7. *Southern Picts* before that time by *Ninias* a *British Bishop*. Now what pretence can be made, that they who *converted* or *presided* in the three former Nations, should neither have an *authority* over the whole Island, nor a *liberty* left to govern themselves; and yet the *conversion* of the last should swallow up the *liberties* of all the former three, and convey a *Patriarchal right* over the whole Island; yea though this last Nation or people, were possessors of those limits, which were within the ancient *British Dioceses*?

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8. I observe, Thirdly, That the *Conversion* of the *English and Saxons* was not performed only by *Austin* or his *Successors*, or any other appointed by him, or sent from *Rome*; but a very considerable part of this work was effected by other persons, who observed the rites of the British Church. Amongst many things worthy observation, the Kingdom of the *Northumbrians*, after defection from Christianity which *Paulinus* taught them, were instructed therein and *Converted*, by *Aidanus* a Scotchman, who observed the ancient Rites of that Church, and was made *Bishop* among the *Northumbrians*, of whom it is related, that in seven days he converted and baptized *fifteen thousand*. The *Mercians* also, and *Middle Angles*, received

3.

Bed. Hist. l. 3. c. 1, 3.

Spotsw. Hist. l. 1. p. 14.

received their *Converſion* by *Finanus* a Scotchman, who was Succeſſor to *Aidanus* in his Biſhoprick among the *Northumbrians:* and is obſerved by *Beda*, to have been a *ſtrict oppoſer* of the introduced Romiſh Rites. And this good work was carried on by others, of the ancient *Britiſh* and *Scotch Church.* Sect. 2. Bed. Hiſt. l. 3. c. 21, 25.

9. And *Finanus* above-mentioned, did baptize *Sigbercht*, King of the *Eaſt-Saxons*, and others of his Company, who were *converted* to Chriſtianity, among the *Northumbrians.* After which *Cedda* and another Presbyter of the *Middle-Angles*, was ſent for, to inſtruct the Kingdom of the *Eaſt-Saxons* in the Chriſtian Faith, and by them they were *Converted*, after the defection of that Kingdom from their formerly profeſſed Chriſtianity. And this *Cedda* was made Biſhop of the *Eaſt-Saxons* by *Finanus*, and two other Biſhops with him; and at that time obſerved the ancient *Britiſh Rites*; but after the death of *Finanus*, when *Colman Finanus* his Succeſſor, deſerted his Biſhoprick among the *Northumbrians*, and went into *Scotland*, rather than he would relinquiſh the ancient *practiſes* and *uſage* of his Church, *Cedda* was then brought over, to comply with the Rites brought in by *Auſtin.* All which will evidence, that what was done Bed. ibid. c. 22. Ibid. c. 26.

by

B. 1. C. 7. by *Austin*, could not bring *England* into a *subjection* to the Bishop of *Rome*, unless he admit divers *equals*, and *rivals* in his claim. And a reflexion upon what hath been now observed will evidence, that to found a constant Ecclesiastical *superiority* and *subjection* upon such pretences as these, would bring in an unavoidable *confusion* into the Church; and it would have overthrown all the ancient *Patriarchates*, in which no such rule was observed.

Nor by the power the Pope once here exercised.

10. I shall now consider that *subjection*, which was *yielded* to the *Bishop of Rome* in this Island. And it is acknowledged, that the *Roman Bishop* was for many years highly *esteemed* in this Realm, and consulted with, and many things after the Conquest, were *decided* by his determination. And also that he did receive great sums of *money* from hence, not only from the *Clergy*, in disms, first-fruits, and other payments, but also *Peter-pence* were paid by the Laity also; not as a *tributary acknowledgment* of the subjection of the Realm, as some Romanists would have it; but this was granted as an *Eleemosynary pension*, for maintaining an *English School* at *Rome*. And it must also be acknowledged, that the Pope did sometimes since the Conquest, exercise a *great authority* here, disposing

Spelm. Conc. Vol. 1. p. 794.

diſpoſing frequently by his *proviſion* of ſpiritual preferments, confirming or nulling the Election of *Metropolitans*, and ſome other Biſhops, and *receiving Appeals*. And in thoſe days, there are ſome inſtances in our Records, that the *Kings Writ* againſt perſons excommunicated by the Archbiſhop, was ſometimes *ſuperſeded*, upon their alledging, that they proſecuted *Appeals* to the Apoſtolical See. Sect. 2. Pryn in *Edward* 1. an. 30. p. 985, 986. & an. 32. p. 1040.

11. But this *ſubmiſſion* in different perſons, had not always the ſame principle; being ſometimes *yielded* out of an high meaſure of *voluntary reſpect* and kindneſs; and ſometimes more was given to the Pope, than otherwiſe would have been, becauſe the circumſtances of Princes oft made their courting the Popes favour, in former times, to be thought by them to be a piece of needful *policy*. And much alſo was done, from the *ſuperſtition* and miſapprehenſion of thoſe Ages, in many perſons, who ſuppoſed him to have that right of *governing* theſe Churches, as S. *Peters ſucceſſor*, which he is now ſufficiently evidenced not to have had. Now what is done out of *courteſy* and by *leave*, or out of ſome emergent *neceſſity*, may at other times be otherwiſe ordered; and no Chriſtians are obliged to continue in practiſing upon *ſuperſtitious miſtakes*, more than they are obliged

B.1.C.7. obliged to live in errour and superstition. And mere *possession* upon an unjust claim, can give no good *title* to the Government of a Church; but when the injustice thereof is made manifest, it may be *rejected* and *abolished*: as the ancient *Canons*, Conc. Eph. c. 8. especially that Canon of the Council of *Ephesus*, which speaks particularly of the *Patriarchal Authority*, enjoin, that no Bishop shall *invade* any Church, which was not from the beginning under his *Predecessors*, and if he should *compel* it to be under him, he must *restore its Jurisdiction again*.

12. Yet that exercise and *possession of authority*, which the Pope here enjoyed, was not so constant and *undisturbed*, but that it was many times by the *Kings* and *States* of the Realm, and even by the *Bishops* at some times, complained of and opposed, as *injurious*; and the true *rights and liberties* of this Church and Kingdom, were oft *demanded* and insisted upon. Of which, among very many instances, I shall take notice of so many, as are sufficient. Before the *Conquest*, I find not that the Pope exercised, or claimed any *governing authority*, distinct from counsel and advice, in this Realm; and therefore there was no need of any *opposition* to be made against it. Indeed when *Wilfrid*

Before ye Conquest of popes had no authority.

frid Biſhop of *York*, who was twice *cenſured* in *England*, did both times make his application to *Rome*, his Caſe was there heard and conſidered in a *Synod* (and ſuch examination and conſideration of the Caſe even of the Biſhop of *Rome*, as *Cornelius* and others, was ſometimes had in other ancient Churches.) But for the *deciſion* of the Caſe, the Pope requires it, either to be ended by an *Engliſh Council*, or to be determined by a more *general Council*. And when *Wilfrid* at his firſt return from *Rome* brings the Popes *Letters* in favour of him, King *Egfrid* put him in *Priſon*: and at his ſecond return from *Rome*, King *Alfrid*, who ſucceeded *Egfrid* in the Kingdom, a Prince highly commended for his piety, learning and valour, declared that it was *againſt all reaſon to communicate with a man who had been twice condemned by Engliſh Councils, notwithſtanding any writing whatſoever from the Pope*. Nor were theſe things only ſudden words, but when the Pope had done all he could, *Wilfrid* was not thereby *reſtored*; or as *Malmsburienſis* expreſſeth it, *non tamen rem obtinuit*. After the *Conqueſt* it was declared by *W. Rufus*, to be a *cuſtom of the Kingdom, which had been eſtabliſhed in the reign of his Father, that no Pope ſhould be appealed unto, without*

Sect. 2. G. Malmſbur. de Geſtis Pontific. l. 3. f. 150.

Ib. f. 152.

Malmſ. de geſt. Pont. l. 1. init. f. 111.

Ib. f. 124.

B. 1. C. 7. *the Kings Licence*; *conſuetudo regni mei eſt, à patre meo inſtituta, ut nullus præter licentiam regis appelletur Papa.* And *Anſelme* acquainted the Pope that this King *William* the Second, would not have the *Biſhop of Rome* received or *appealed* unto in *England*, without his *command*. Nor would he allow *Anſelme* then Archbiſhop of *Canterbury*, to *ſend Letters* to him, or receive any from him, or to *obey his Decrees*. He further tells the Pope, that the *generality* of the Kingdom, and even the *Biſhops* of his own Province, ſided with the King; and that when *Anſelme* asked the *Kings leave* to go to *Rome*, he was highly *offended* at this requeſt, and required that no ſuch *leave* be afterward asked, and that he *appeal* not to the Apoſtolical See; and that when *Anſelme* went to *Rome* without his leave, he *ſeiſed* the Revenue of his Biſhoprick. And amongſt the *liberties* and cuſtoms ſworn to at the Parliament at *Clarendon*, one was againſt *appeales to Rome*, and receiving *Decrees* from thence.

Anſelm. Epiſt. l. 3. Ep. 40. Paſchali.

M. Paris. in Henr. 2. an. 1164.

Ex lib. Aſſi. Lord Cokes Reports in Cawdreys Caſe.

13. In the Reign of King *Edward* the Firſt, a *ſubject* of this Realm brought a *Bull of Excommunication* againſt another ſubject from *Rome*, and this was adjudged *Treaſon* by the *Common law of England*; and divers other inſtances are brought by Sir

Sir *Edward Coke*, wherein the *Excommunication* and *Abſolution* of the Pope or his Legate, was declared *null* or invalid. And much of the *uſurped power*, which the Pope here practiſed and claimed, was rejected as a great grievance, in the Statute of *Proviſors*, concerning his making *proviſion* for, and collating to Dignities and Benefices, againſt the method of free Elections; and they who ſhould apply themſelves to *Rome* for this purpoſe, became thereby liable to ſevere penalties. And *appeals* to *Rome* in certain Caſes, and the procuring thereupon *Proceſſes*, *Bulls*, *and Excommunications* from thence, was by the Parliament in the Reign of King *Richard* the Second, taxed and complained of, as that which did apparently hinder the *determining cauſes*, and the effectual execution of *juſtice* in *England*, and tended to the deſtruction of the *Kings Sovereignty Crown and Regalty*. And all thoſe who ſhould bring from *Rome*, ſuch *Proceſſes*, *Excommunications*, *Bulls*, or other Inſtruments; both themſelves and all their Fautors, were then by the Statute of *Præmunire*, put out of the Kings Protection, their Lands and Goods forfeited, and their Bodies to be attached. And this Statute continued in force, and unrepealed (as that former alſo) notwithſtanding all the en-

Sect. 2. *Pryn in Edw. 1. An. 20. f. 454.*

An. 25 *Edw. 3.*

16 *Ric. 2.* 5.

B. 1. C. 7. deavours of the Pope and his Adherents, even an hundred and fifty years before the *Proteſtant Reformation*. And this is ſufficient to ſhew, that the Popes uſurped *power*, was not ſo quietly and freely *ſubmitted to* in this Realm, as thereby to give him any right to govern here.

SECT. III.

The preſent Juriſdiction of thoſe Churches which have been called Patriarchal, *ought not to be determined by the ancient bounds of their Patriarchates.*

The bounds of Patriarchal Authority altered.

1. The third Aſſertion is, That the *Patriarchal rights*, eſpecially thoſe of *Rome*, do not now ſtand on the ſame terms, as they did in the *ancient Church*; nor can the preſent *Roman Biſhop* claim *ſubjection* in all thoſe limits, which of right were under the ancient and Catholick *Biſhops of Rome*. No man can reaſonably think, that the bounds of the *Patriarchal Sees* were unalterable, unleſs they had been of a *divine* or *Apoſtolical Authority*. But that they were never looked upon as ſuch, in the Catholick Church, may beſides other teſtimonies appear, in that the General Councils undertook to *erect Patriarchates*, and to *divide* the limits of others,

as

as they ſaw cauſe. Thus the *dignity* and honour of a *Patriarch* was given to the Biſhop of *Conſtantinople*, in the ſecond General Council, and his *Patriarchal limits* and Juriſdiction were *fixed* in the fourth: and in the ſame, the Patriarchate of *Antioch* was *divided*, and part thereof allotted to the Biſhop of *Jeruſalem* who then received *Patriarchal limits* and Juriſdiction. But I ſhall only conſider four things, which may ſo alter the ſtate of *Patriarchal Juriſdictions*, that every one of them, beſides what is aboveſaid, is a bar againſt all claim of *authority* in the *Biſhop of Rome*, to theſe Churches and Realms. Sect. 3. Conc. Conſt. c. 3. Conc. Chalc. Act. 7.

2. Firſt from the *different territories*, and Dominions of *Soveraign Kings* and Princes. For the doctrine and deſign of Chriſtianity, did not intend to undermine and enervate, but to eſtabliſh and ſecure the *right of Kings*: and no rule of the Chriſtian Religion requires *free Kingdoms*, to deveſt themſelves of ſufficient means to preſerve their own *ſecurity* and *peace*, and the neceſſary adminiſtration of *juſtice*. Nor can the former acts of any *Councils or Biſhops* whereſoever any ſuch were, give away the rights of *Kings* and *Realms*. But a *Foreign Biſhop*, who is under no *Allegiance* to this Crown, and 1. *From the different bounds of free Kingdoms.*

P. 1. C. 7. *Miſchiefs from Foreign Juriſdiction.* hath no particular obligation to ſeek the good of this Kingdom, may probably oft incline to deſigns, either of his own *ambition*, or the intereſts of *other Princes*, againſt the true welfare of this Realm, as hath ſufficiently been done in the *Court of Rome*. And if ſuch an one hath power, to *cite* before him any perſon whomſoever of this Realm, either to his *Patriarchal Seat*, or his *Legate*; and hath then authority without all redreſs or appeal (ſave to an *Oecumenical Council*, which probably will never be had) to *inflict* ſo ſevere a ſentence as *Excommunication* truly is; he would hereby have a conſiderable awe and curb, upon many of the ſubjects of the Realm, that they would be wary of oppoſing or provoking him. And if *Canonical obedience* were due to him from all the Clergy, and *filial reverence* from the laiety; ſuch a perſon being the Kings Enemy, may have greater opportunity of indirect managing his *ill projects*, than is conſiſtent with the ſafety of the *Realm*, or with the innocency and goodneſs of the *Chriſtian Religion* to promote.

3. The exerciſe of a *foreign authority*, when managed by haughty and ambitious ſpirits, hath been of ſuch ill conſequence to *Kings and Emperours*, that King *John* was forced upon *his knees to ſurrender his Crown*

Crown to the Popes Legate; *Henry* the Third Emperour of *Germany*, was compelled to ſtand at the Popes Gate *barefoot* ſeveral dayes *in froſt and ſnow* to beg for *abſolution*; and *Frederick* the Firſt to ſubmit to Pope *Alexander*, treading upon his neck. And other inſtances there are of like nature, of the deſpiſing Dominions and Dignities, being the effects of *Interdicts* and *Romiſh Excommunications*. Towards the whole *Kingdom*, it becomes a method of *exhauſting its treaſure*, by tedious and expenſive proſecution of appeals, and many other ways, which were not without cauſe publickly complained of in this Kingdom; inſomuch that the *yearly revenue of the Court of Rome*, out of this Kingdom, was in the time of *Henry* the Third, found to be greater, than the *revenue of the King*. And it is an high *derogation* from the Soveraignty of a *King*, as well as a prejudice to the *ſubjects*, where *juſtice* cannot be effectually *adminiſtred*, and Caſes of right *determined*, by any authority within his own Dominions. And with reſpect to the *Clergy*, the Foreign Juriſdiction ſometimes brought them into great ſtraits; as did that Bull of *Boniface* the Eighth, which put them to avoid his Excommunication, upon *conteſting* with the *King*, and thereby brought

Sect. 3. Mart. Polon. in Greg. Sept. p. 361.

St. 25 *Hen.* 8. 21.

Antiq. Brit. p. 178.

Pryn An. 24, & 25 *Edw.* 1. p. 689, &c.

B. 1. C. 7. them under the Kings displeasure, and into very great *grievances*, as appears from the Records of that time.

4. And as upon these accounts it appears reasonable and necessary, that the Dominions of *Soveraign Princes*, should be free from any Foreign Ecclesiastical superiority: so there are many things which may be observed to this purpose, in the ancient state of the Church. The Government of *Dioceses*, *Provinces*, and *Patriarchates*, hath been acknowledged to have been ordered within the Empire, and according to the distinct limits of the *Provinces* thereof. The Sees of *Rome* and *Constantinople*, enjoyed the greatest Ecclesiastical priviledges, because they were the *Imperial Cities*. The Canons also of Oecumenical Councils enjoined, that if any City receive new *priviledges* of honour, by the *Imperial authority*, the Ecclesiastical Constitutions for the honour of its See, shall be regulated thereby. And whereas the *Slavonian Churches* were first Converted to *Christianity*, by them who were of the Eastern or *Greek Church*, and embraced their Rites; when *Bohemia* and some other branches of the *Slavonian* Nations, were made members of the *German Empire*, they thereupon became subject to the Government of the *Western Church*. Thus also

Conc. Const. c. 3. Chalc. c. 28. Conc. Chalc. c. 17. Trul. c 38.

also when the Bishop of *Arles* had an eminent authority, in the ancient *Gallia*; upon that City being divided from those Dominions, and becoming *subject* to the *Goths*, who then Commanded *Italy and Spain*, he exercised no longer any *Jurisdiction* there, but had his authority changed, to be *Delegate* over the *Spanish Territories*: but when this City was again reduced to the *French Government*, he no longer exercised his authority in the Dominions of *Spain*.

Sect. 3. Comm. Hist. n. 18. P. de Marc. de Conc. l. 6. c. 18. n. 3. & c. 19. n. 6.

5. Yet it must be acknowledged, that in practice the Dominions of several *Soveraign Princes*, have been subject to a *Foreign Patriarch*, which was not their duty. But this was undertaken, either upon presumption, that because of the excellency and simplicity of the *Christian Religion*, there could be no fear of prejudice, from its *Ecclesiastical Governours*; or else because those Princes did not *sufficiently understand*, or thought it not advisable to *claim* and *exercise*, their own right of *Soveraignty*, even in *Ecclesiastical matters*. And it must also be granted, that if any part of the *Roman Provinces*, and consequently of the Christian Churches therein, were by Wars brought under the power of *barbarous Nations*, the Canons required that their *Ecclesiastical Government* should

Conc. Chalc. c. 28.

B. 1. C. 7. should be ordered, as it was before. But this was not so much a *claiming dominion* over them, by their former Patriarch; as his exercising *Christian Charity* towards them, in *assisting* those afflicted parts of the Church.

6. But it may possibly be objected, that if every Soveraign Princes Dominions may *claim a freedom* from Foreign Ecclesiastical *Supremacy*, how shall Christian Unity be preserved? *Ans.* In the same manner as in the Primitive times, wherein whilest many of the *Nations of Europe* had not yet embraced Christianity, there were within the Empire many *head* and independent *Churches*, as I have above manifested. But the *Christian Unity* did then consist, partly in their *embracing* the same *faith*, and giving the same *worship* to God, as the Fathers at *Sardica* declared; partly in their *holding communion* with, and receiving one another in all parts of the World as *Brethren*, which is by *Tertullian* discoursing hereof, expressed by *communicatio pacis*, *appellatio fraternitatis*, *contesseratio hospitalitatis*; and partly also in that as need required, they held *correspondence* with each other, and in chief matters of order and Government, they observed the same *Canonical Rules*, and after the first *Oecumenical Councils*, they

Theod. Hist. l. 3. c. 8.

De Præscr. c. 20.

a Step to Judaism

they generally *ſubmitted* to their *Canons*. And they conſtantly acknowledged all acts of Government, in the true *Catholick Officers* of a particular Church, in *receiving* or *rejecting* members to be of force in the whole Catholick Church: wherein no *excommunicated* perſon would be *received* in any part of it, nor any ſuſpected perſons without *dimiſſory* or *commendatory* Letters. And they alſo owned all *dividing* from, or *communicating* with a particular Church, to have reſpect to the whole Catholick Church, of which that particular was a member; becauſe as S. *Cyprian* declares, *Epiſcopatus unus eſt, cujus à ſingulis in ſolidum pars tenetur.*

Sect. 3. 4.

Can. Ap. 12. Nic. 5. Chalc. 13. Antioch. 6, 7.

Cyp. de Unit. Eccleſ.

7. Secondly, The right of Patriarchal claim is altered from what it once was, by the Romiſh Biſhops *abuſing and perverting* the pretence of *Apoſtolical authority*, and challenging ſuch an *Univerſal Supremacy*, as encludeth a power of *diſpoſing Kingdoms*, *depoſing Kings*, and *diſſolveing* the bonds of ſubjects *obedience*. And beſides theſe general poſitions, he not only challenged this Kingdom as *feudatory*, but undertook to *diſcharge* all Engliſh Subjects from their *Allegiance* to Queen *Elizabeth*; but in the following Book I ſhall ſpeak more to the things contained under this head. But he who acts againſt the *ſafety* of

2. *From the dangerous abuſe of pretended Apoſtolical Power.*

B. 1. C. 7. V. Conc. Turon. 1510. of the Realm, and the *rights* of the Crown, whatsoever his *dignity* is in the Church, may be rejected as a *common Enemy*; even as *Abiathar* the High Priest when he became an abetter of *Sedition*, was justly *deposed* by *Solomon*. That man who will give liberty of *free access* to his House, for his *Friend* or his *Physician*, will not think it reasonable to do the same to him, who without all right claims a *power*, to turn him out of his own *estate*, and to dispose of it as the *chief Lord*.

3. *From pernicious and false doctrine.* 8. Thirdly, From the *corrupt doctrines*, which he propagates with that earnestness, as to *reject* all others who will not embrace them. Now because there is no authority above, or against *God* and his *truth*, there lyeth the same obligation upon all good Christians in this Case, to *reject* and disown his *superiority*; as there doth to hold and maintain the true *Catholick Christian doctrine*, which he will not allow, against the gross corruptions which have invaded it. Thus in the time of *Constantius*, when the present possessors of the *Patriarchdom* were favourers of Arianisme, it was the honour of many *Catholick Bishops*, and other *Christians*, that they kept close to the Catholick doctrine, even in *opposition* to those *Patriarchs*. And the Oecumenical Council of *Ephesus* declared, that *if* Conc. Eph. C. 1.

any

any Metropolitan had forſaken, or ſhould Sect. 3.
forſake and oppoſe the true doctrine, which the Council did profeſs, he ſhould have *no authority* over others in his *province*: and this was determined with a particular reſpect to the Caſe of *Neſtorius* Biſhop of *Conſtantinople*, whoſe Hereſy was then alſo favoured by *John* Patriarch of *Antioch*.

9. Indeed upon pretence of perſonal crimes, concerning *life* and *manners*, no inferiour was allowed by the Canons, to deny his *ſubjection* to his Biſhop, Metropolitan, or Patriarch, until a Council had judged thereof. But if the Caſe be ſuch, that he with open face aſſerts manifeſt *Hereſy, or falſe doctrine*, which hath been ſo declared by approved Councils, the diſowning all *Communion* with him, and *ſubjection* to him, even before a Council, is commended by ſome Canons, as a practice which deſerves honour. And it muſt be ſo, where *ſubjection* muſt enclude *embracing corruptions*. Syn. prim. & Sec. c. 15.

10. But the various, falſe, and *corrupt doctrines* of the Church of *Rome*, are openly aſſerted, under *Anathema's* againſt all who ſhall oppoſe them. And theſe preſent *erroneous doctrines* of the Roman Church, according to the definitions of the *Council of Trent*, are by the *Bull of Pius* Conc. Trid. paſſim.

the

B. 1. C. 7. the Fourth, declared to be the *true Catholick faith, extra quam nemo salvus esse potest, out of which no man can be saved.* And an assent unto all these doctrines, is enjoined in that Bull to be declared upon *Oath*, by all persons who have any *dignity* or *cure* of *souls*; which is extended by a following Constitution to all who take *Academical degrees* in any faculty, and to all Professors and Readers in publick Schools.

Bul. Pii 4. super form. Juram. prof. fid.

Sept. Decret. l. 3. Tit. 5. c. 2.

11. Now one thing in this *Bull*, enjoined to be thus necessarily *professed* and *believed*, is, that the Roman Church is *omnium Ecclesiarum mater & magistra*; *the mother of all Churches*, and hath *authority* over them: but this is plainly contrary to the determination of *Oecumenical Councils*, which I have above produced, who do make the authority of other Churches, *equal* with the *Roman*. Many other things are manifestly contrary to the *doctrine of Christ* himself, and his *Apostles*, as their *Transubstantiation*, the allowing the *Communion in one kind*, against the express institution of Christ; the proper *propitiatory sacrifice* of the Mass, for the quick and the dead; and many more of like nature. And yet the Pope not only *excommunicates* all those as *Hereticks*, who do *oppose* these doctrines, but also all those

Bulla in Cœna. c. 2.

thoſe who do *appeal* to any future *Council.* Wherefore as much as it is the duty of any Church or Chriſtian, to own *Gods authority* and embrace his truth, ſo much it muſt be their duty, to reject the *Romiſh authority*, which oppoſeth and withſtandeth them. Sect. 3.

12. Fourthly, From the ſin of *purſuing Schiſm*, with which the Romiſh Biſhop and Church do ſtand chargeable. No Chriſtian Biſhop can have any *authority*, againſt the *Unity* of the *Chriſtian Church*, and againſt that authority, whereby that Unity is eſtabliſhed. And therefore all Chriſtians are obliged to avoid *ſinful diviſions* and *Schiſms*, though the names of *Paul*, or *Apollos*, or *Cephas*, may be pretended to head them. And it was the fault of S. *Barnabas* to comply with, and be led by S. *Peter* himſelf, in a groundleſs withdrawing from the Church of *Antioch*. And it could not be the duty of any *Catholick Chriſtians*, who lived within the Dioceſes of the *Donatiſt Biſhops*, to *ſubmit* to them, and thereby not hold the *Catholick Communion*. For as S. *Cyprian* ſaid, he *who doth not keep the Unity of the Spirit, and the conjunction of peace, and ſeparateth himſelf from the bond of the Church, and the Society of its Prieſts, Epiſcopi nec poteſtatem poteſt habere, nec honorem*; 4. *From Schiſm.* Cyp. Ep. 52. ad Anton.

B. 1. C. 7 *honorem; can neither have the honour, nor the power of a Biſhop.* And he who ſubmits to, or complyeth with, the manager of a *Schiſm*, in his *proſecution* thereof, doth *involve* himſelf in the ſame *crime.*

Gr. de Valent. Tom. 3. diſp. 3. qu. 15. Punct. 2. Bannes in 2. æ. qu. 1. Art. 10. p. 83, 84. & qu. 39. Art. 1.

13. Now that the Biſhop of *Rome* himſelf may be a *Schiſmatick*, in ſeparating from the Unity of the Church, is acknowledged by their own Writers And he is actually guilty of Schiſm, in *rejecting Communion* with a great part, and with the beſt and pureſt part of the Catholick Church, and requiring them to be accounted *Hereticks*. And his Schiſm hath ſuch aggravations as theſe. 1. In the ill *deſign* of upholding corrupt doctrines, and practiſes of that Church, without due *reformation*. 2 From his high *uncharitableneſs*, in not allowing *ſalvation* to other Chriſtian Churches, beſides the Roman. 3. From his great *uſurpation*, excommunicating all who do not yield *obedience* to him, and the *free Churches* who reform themſelves, (although their power of *holding Synods* includeth a right to reform themſelves) and all who appeal from him to a *general Council*, who are ſubjected to excommunication, as ſome, who write upon the *bull in cœna domini*, tell us, for accounting a general Council ſuperior to the Pope.

Jac. de Graf. Deciſ. Aur. l. 4. c. 18. n. 55.

14. Wherefore the *Biſhop of Rome* as things

things now ſtand, hath no juſt right to a *Patriarchal Power*, in any part whatſoever of the Chriſtian Church, having forfeited this by the *corrupt doctrines* and *intereſts*, and by the *Schiſm*, which are there managed. And he is excluded from Foreign Soveraign Princes Dominions, by the *Supremacy* of their *Crown*, and by his *undue claims*, inconſiſtent with their *regalities*. But if he would become truly Catholick, both as to Chriſtian *Unity* and *doctrine*, and therein give due honour to *ſecular authority*, he might then claim a *Patriarchal right*, ſo far as the preſent civil power of *Rome* reacheth; but no further, unleſs by the leave and pleaſure of other Princes and Churches. And he might then expect, and would receive, an *high honour*, all over the Chriſtian World, upon account of the ancient prime Patriarchal See. Sect. 3. 1. 2.

CHAP. VIII.

Some pretences of other parties, againſt the Supremacy of Princes in Cauſes Eccleſiaſtical, refuted.

SECT. I.

Of Liberty of Conſcience, *and Toleration.*

2.

AGainſt the Authority of the Civil Power in matters of *Religion*, there are ſome who undertake ſuch a Patronage of *Liberty of Conſcience*, as thereby to infer a neceſſity of *Toleration*. And what is urged upon this Topick, hath either reſpect to *Conſcience it ſelf*, or elſe the *peace* of the Chriſtian World; and ſo either pretendeth, that it is the proper right of *Conſcience*, to be free from *ſubjection* to any men in matters Eccleſiaſtical, and the affairs of *Religion*; or elſe, that the yielding this liberty to every man is a *principle of peace*, and would tend greatly to the quiet of the World.

The conſequences from the Pleas for General liberty of Conſcience.

2. The chief force of what is ſaid upon the firſt pretence, lyeth in this kind of reaſoning, which ſome account plauſible, to wit,

wit, That every man hath a *Conſcience*, or capacity of *diſcerning* what is his duty in matters of *Religion*, and that what he thus *diſcerns* to be his duty he ought to *practiſe*, and no man ought to *hinder* or reſtrain him: and the conſequence of this is, that concerning the affairs of *Religion*, he ought to be under no *Government*, whether *Civil* or *Eccleſiaſtical*. But the vanity and *fallaciouſneſs* of this way of arguing, will ſufficiently appear, by improving the ſame to a further purpoſe, to which it is altogether as well adapted, concerning *matters of common right*. For it may be ſaid here that man is a Creature endued with principles of *Conſcience*, and capacities to diſcern what is *juſt and honeſt*, and what he diſcerneth to be ſo, he ought to *purſue*, and ſhould be *permitted* ſo to do; and therefore according to the former method of argumentation, he muſt *in civil affairs* be under no Government, and no *judge* ought to *queſtion* him. Now the reſult of all this, and what it would tend to prove is, that *man* is ſuch a Creature, who ought not to be a *ſubject*, or under Government; and from hence it would follow, that all the *Precepts of ſubjection* and obedience in the Goſpel, and the whole eſtabliſhment which God hath made, of *Civil and Eccleſiaſtical power* Sect. 1.

B. 1. C. 8 and authority, are all of them opposite to the *nature of man*, and to the rights and priviledges of his *being*. And now would it not heartily *grieve* any pious and understanding man, to see by what pitiful pretences men undertake to argue, against the institution and *authority of God*?

Men may not safely be left to the sole conduct of themselves and their Consciences.

3. But they who make use of such arguments about matters of *Religion*, will be ready to say concerning things *civil*, that though men have *Consciences* to *guide* them, yet they may sometimes *mistake* the due measures of justice and right, and sometimes an inordinate pursuing their own *interest*, or gratifying some *evil temper* of mind, may make men act contrary to what they know to be right; and by such means other mens *properties* would be *injured*, if there were not a *civil judge* to interpose, and *laws* established for the securing these *properties*. And all this is indeed truth: but then these two things are also to be observed. 1. That hereby it is granted, that even in those things wherein men ought to be directed by the *rules of Conscience*, they are still under the *Government* of their *Superiours*, who may take care that they therein act not contrary to the true grounds of Conscience, which in this Case is *justice and right*. 2. That in matters of *Religion* also

alſo it is manifeſt that very many are prone to run into *miſtakes*, more than about other things, and to be too much hurried by *pride*, *prejudice*, *paſſion*, or by following *erroneous guides*. And is it reaſonable, to think it agreeable to the will of God, and the Chriſtian Doctrine, that it ſhould be neceſſary to preſerve the *civil intereſts* of men, whether Princes or Subjects; but that ſuch *liberty* muſt be granted, that the ſacred *Majeſty of God* may be *affronted*, the *truths* of the Goſpel *oppoſed*, the Unity of the Church broken by *Schiſm*, the power of Religion undermined by *vain fancies*; and the *reputation* of the Christian Religion *ſtained*, and the *eternal happineſs* of many thouſands be thereby hazarded, and all this not thought ſo conſiderable as to *provide* againſt it? Or as S. *Auſtin* ſaid, *is it a lighter and more inconſiderable thing, for the ſoul of man not to be faithful to God, than for a Woman not to be faithful to her Husband?* Wherefore ſince it is as eaſy for men of underſtanding, to diſcern the *duty of man*, in the main things of *Religion*, and the Rules of *decency*, as in *civil* matters; it is very requiſite, that with allowance of *reaſonable liberty* to them who are ſoberly *inquiſitive* about truth, there ſhould be a *reſtraint* upon

Sect. 1.

Aug. Ep. 50. An fidem non ſervare levius eſt animam Deo, quàm fœminam viro?

B. 1. C 8. men by Laws and Government, from following every *inordinate inclination* of their own minds, though they *miscal* it by the name of *Conscience*; that so Piety, Order, and Peace may be secured.

4. But though I would be as *charitable* to all who err in matters of Religion, as may consist with a due *consideration* of things, yet I cannot account all that to be *Conscience*, which is by some men in the World so called. For those proper *dictates of Conscience*, which in this case ought to *command obedience*, must proceed upon such convictive *evidence* of truth and duty, which no errour and mistake can bring along with it, with that *clearness* which truth doth; and this ought to be followed by every pious man, whatever difficulties may assault him herein; but *passions* and *disordered affections* ought to be governed and *restrained*; and the Laws and *Commands* of Superiours ought to be *obeyed*, where there is no such evidence to be opposed against them, as I have mentioned. But let any person who understandeth the state of the World, consider, whether it be not an apparent *sad truth*, and matter of real lamentation, that the chief and most *earnest* men who close with erring and *dividing parties* amongst us, do this either out of some fond *affection*

Conscience doth not always really guide where its name is pretended.

tion to a weak argument, which they are highly *pleased* with; or because they are resolved to hold fast some things as *certain principles*, which have no *evidence* of truth; or that they follow willingly and of choice the opinion of some *other persons* whom they *admire*; or have a great *prejudice* against those, whom they account an *opposite party*; or are not willing to be *subject*, and to be guided by their Superiours, in things relating to order. And I heartily wish it were not so plain a truth as it is, that such men are rarely willing to *consider* seriously and *impartially*, of what is said against their errour, and do not make so much *scruple* of Conscience as they ought, of *breaking* those numerous and plain *Precepts*, which enjoin *obedience*, *humility*, and the keeping the *Peace and Unity* of the Church. Sect. 1.

5. Now in men who thus proceed, it is very plain that their dissent is founded in the *voluntary inclination*, and evil *indisposition* of their *wills*. And if any such persons shall say, that their *Consciences oblige* them to entertain these inclinations, they must give others leave to see, that they only substitute the name of *Conscience*, to be a Plea for an unaccountable and bad temper of mind. And indeed

True liberty of Conscience opposed by them who plead for it in words.

B.1.C.8. those persons are great *opposers* of the just and necessary *Liberty of Conscience*, who will *bind it* up to comply with their own inclinations, and what pleaseth them, but will not give it the liberty of *impartial consideration*, that thereby it might guide them by its *unbiassed dictates*.

God hath not left mens Consciences at liberty to neglect peace and obedience.

6. But because I intend here to discourse no further of *liberty* of Conscience, than to shew that the pretence thereof, ought not to be any bar against the exercise of *government* and authority, in the regular establishing of *Religion*, and *order* in the Church: I shall only add, that I suppose no man will be so presumptuously bold, as to assert, that this Plea of *liberty* should be a *priviledge* to men, against the *authority of God*, and his Laws and Precepts. And then I cannot understand, what pretence can be made from hence, against the necessity of *practising* those *duties*, which the Commands of God have enjoined, of *following peace*, maintaining *order*, and in things lawful *being subject* to superiours; especially since God hath particularly in this Case required us, to *be subject for Conscience sake*, and that not as in a matter left at liberty, but where he hath declared a *necessity* upon Conscience. *Rom.* 13. 5. ἀνάγκη ὑποτάσσεσθαι διὰ τὴν συνείδησιν,

know, you muſt needs be ſubject for Conſcience ſake. Sect. 1.

7. But there are ſome who ſay, that a *general liberty* for all men to profeſs what they pleaſe, or think fit in Religion, if it be not neceſſary from the nature of Conſcience, yet is the moſt *excellent expedient* for the general *peace of the World.* This liberty hath been pretended by them who engage in *ſeveral Sects*, to be a principal means to promote the *Unity* of the Church; which muſt be by a like method, as the compactneſs and *united ſtrength* of a building may be procured, by providing that all the parts of it, may without difficulty fall from one another. But this general *liberty* in Religion is alſo propoſed, as the beſt requiſite to hinder *civil and foreign Wars*, by a late Writer. He tells us, that *all Wars of late Ages, have been either really for Religion, or at leaſt that hath been one of the chief pretences*, and therefore as conducing to peace, he requires the imbracing this Poſition, *That every man ought quietly to enjoy his own Religion.* And in another place he ſayes, *there cannot certainly in the World be found out, ſo mild and ſo peaceable a doctrine, as that which permits a difference in beliefs.*

Toleration pretended to be a method for peace.

Humane Reaſon, p. 78.

P. 79.

P. 11, 12.

8. But ſince he that obſerves the World muſt

B. 1. C. 8. muſt acknowledge, that many Wars have been occaſioned, upon the ſole pretence of *civil rights*, and ſecular intereſts; that there may be a *proviſion* for this Caſe as well as for the former, it will not be unmeet to accompany this *Poſition* of his, with another which is much of like nature with it, and *equally peaceable*. And this is, *That all men ought to ſuffer each other, without any diſturbance or complaint, to take and enjoy whatſoever goods, perſons, and poſſeſſions, they ſhall pleaſe to poſſeſs themſelves of.* And if this principle with the former, were entertained by all men (as it never was, nor can be) there would then be no *Wars*, nor conteſts in the World, neither concerning matters of *Religion*, nor any other *rights*. And then we ſhould have a *quiet World*, but with little regard to *Religion*, *Righteouſneſs*, *Chaſtity* and *Vertue*, and without all *Order*, *Government*, and *civil Societies*, the Earth being then over-grown with the height of *Barbariſm*, far ſurpaſſing the wildneſs of the Native Indians.

No Peace can be from thence expected.

9. But againſt the former method here propoſed, for the procuring *peace*, I ſhall obſerve further two things. 1. That there are ſo many things neceſſary for the making this *propoſal practicable*, that even that may well make any man deſpair of its *effect*.

effect. For firſt, care muſt be taken, that Sect. 1.
there be no ſuch *pious men* in the World, who will think that *Gods honour* ought to be *maintained*, and the true Religion *defended* and ſecured, by the authority of *Governours*: and yet either the *peaceable principle* muſt be forſaken, or elſe thereupon theſe men muſt enjoy the liberty of their *opinion*, as well as others. Secondly, there muſt be ſecurity given, that there ſhall be no ſuch *furious men* in the World, who will at any time vent *notions* in Religion, which may tend to *undermine authority* and Government, to make mens minds *fierce and cruel*, or to evacuate *obedience*; nor yet that there be any ſuch eager and *earneſt men*, who will be forward to uſe what power they can gain, for the *eſtabliſhing* their own opinions. Thirdly, as this propoſal can never become *uſeful for peace*, until all men be brought to be *of the opinion* of the propoſer, which is as unlike as any thing can be; ſo even then there muſt be ſome proviſion made, that the *practice* of this propoſal, be not the ready way to hinder the *effect* thereof. For the practice of this *general liberty* for all opinions in Religion, doth according to common experience ordinarily beget, inſtead of peace, *diſcords*, *oppoſitions*, *diſturbances*, *confuſions*, and other

B. 1. C. 8. other ill effects; which make all men of consideration see the *hurt*, and danger of such *licentious liberty*, and the necessity of *Order* and Government. Fourthly, And there must be no men so far *Christians* and conscientious, as to acknowledge that there are any doctrines of *Faith*, duties of Christian *worship*, or *institutions* of Christ, so necessary and sacred; that the *opposers* or *contemners* of them, ought to be *checked* and *withstood*. And though he be so
P. 68, 69. bold as to assert, that *we ought not to teach, that any errors in belief overthrow the hope of salvation*, and speaks of the hopeful estate of persons, whatsoever *do-*
P. 70, 71. *ctrines* they embrace, *in the whole compass of Religions*; which large expressions must include those *Jews*, who in our Saviours time asserted him to be a *blasphemer* and not the *Christ*: yet thanks be to God, there are many who will believe those words of our Lord to the Jews, *Joh.* 8. 24. *If ye believe not that I am he, ye shall die in your sins.* And from this and many other expressions in the Scripture, of the great danger of *unbelief*, will conclude, that under the clear *promulgation* of the Gospel, it is necessary to Salvation, to believe that *Jesus is the Christ*, and Saviour of the World, and to *profess* and *obey* his doctrine.

10. I

10. I obſerve, 2. That the beſt way to promote the *peace* of the World, is by endeavouring that true Chriſtianity in *doctrine* and *practice*, be with one accord, and with a ſpirit of *Unity* embraced among men. For firſt the *nature of Chriſtianity* is ſuch, that ſo far as it really *prevaileth*, it muſt be a ſtrong *bond of peace*, ſince it makes men tender of *wronging* any by word or deed, and enjoins a neceſſity of making ſatisfaction for *injuries*; a readineſs to *forgive enemies*; with a care of *reverence*, *fidelity*, and *obedience* to ſuperiours, and of *gentleneſs*, *humility*, *patience* and *charity* towards all men. On this account it was thought one of the great diſorders amongſt men, that there ſhould be *Chriſtianus contentioſus*, *a Chriſtian given to contention.* And though there are great miſcarriages in this particular, among many who *profeſs* this Religion, but do not live according to it; yet it is apparent, that the *ſpreading of Chriſtianity* in the World, did greatly *amend* and *reform* it, and as *Euſebius* long ſince noted, did *advantage the peace* thereof; and it will mightily promote this *effect*, in all them who heartily practiſe it. Secondly, *Unity* in Religion hath a natural force to excite *friendlineſs*, whence even *Jews*, *Mahometans*, and all *Sects* are more

Sect. 1.

Peace beſt promoted by uniform eſtabliſhing true Religion and worſhip.

De duodecim. abuſ. ſeculi. cap. 7.

Euſ. de Dem. Evang. l. 3. c. 17. De laud. Conſt. p. 486, 487.

B. 1. C. 8. more kind to one another, than to others; and *Philo* accounteth *concord* in the worſhip of God, to be the greateſt cement of *love*; and *Joſephs* Brethren thought it a conſiderable argument to engage his favour, becauſe they were *the ſervants of the God of his Father.* Thirdly, The quiet of the World having chief dependance upon *God*, it may be juſtly feared that where the care of *true Religion* is neglected, the flouriſhing and *peaceable ſtate* of Kingdoms ſhould not long continue. This was frequently obſervable in the times of the Judges, and the Kings of *Iſrael* and *Judah*: See *Judg.* 5. 8. 1 *Kin.* 11. 4, 14, 23. And remarkable *decay of piety* was obſerved, to precede the two great *Conqueſts* of this Realm, by Foreign Armies.

Phil. de Charit. p. 717.

Gen. 50. 17.

Gild. de Exc. Brit. Mat. Par. an. 1067. p. 5.

SECT. II.

Of ſome other rigid and dangerous principles, againſt the ſupremacy of Princes.

Of the rigid Presbyterians.

1. There are ſome of the rigid *Presbyterians*, eſpecially thoſe of the *Scotiſh* way, who though they allow the King ſome authority, both in *matters Eccleſiaſtical*, and over *Eccleſiaſtical perſons*, do yet

yet *in terminis* reject the Kings being *ſupreme Governour, in all cauſes Eccleſiaſtical and civil*; and withal do plainly miſrepreſent the ſenſe thereof. But that thoſe of this way, do in a dangerous manner, oppoſe the juſt ſupremacy of Princes, in things Eccleſiaſtical, may be partly manifeſt from their general poſition, That the *inſtitution of God* hath ſo provided for all things, pertaining to *Religion*, that there is no room left for any *appointments of order*, by the authority of men; the ſubſtance of which I have in another diſcourſe taken notice of. But this will be more apparently manifeſt from another *poſition*, which I ſhall now reflect upon.

Sect. 2. Rutherf. *of Ch. Gov.* Ch. 23. p. 508. Henderſon's *ſecond Paper to the King.*

2. It is aſſerted by them, that if a Miniſter ſhall *ſpeak treaſon* in his Pulpit, by *way of doctrine*, the Church only is to try whether it be treaſon indeed; and he may *decline the civil judg and appeal to a Synod*. This is not only affirmed by Mr *Rutherford*, but this poſition was in an exceeding ſtrange manner eſpouſed, by the General Aſſembly of the *Kirk*, who *conteſted* with King *James* concerning it, upon this occaſion. Mr *D. Blake* having in his Sermon at S. *Andrews*, declared, that *the King had diſcovered the treachery of his heart*, *That all Kings are the Devils Bearnes*, *That the Queen of* England

Ibid. Ch. 24. p. 551, 552. *The like Plea was uſed by* A. Melvil, *a chief Modeller of the Scotiſh Presbytery, in his own Caſe* 1584.

(*Queen*

B. 1. C. 8 (*Queen* Elizabeth) *was an Atheist*, with many more dangerous assertions: and being cited by the *Kings authority* to answer these things, he alledged that he could not in this case be *judged* by the *King*, till the Church had taken the *first cognition* thereof. And the Kirk-Commissioners enter a *Declinator*, and *Protestation* against the Kings proceedings; and would not consent that any punishment should be *inflicted* upon Mr *Blake*, because there was no tryal before a *proper judge*; and declared, that if he should *submit his doctrine* to be tryed by the Council, the *liberty of the Church*, and the spiritual Government of the House of God, would be quite subverted. A full and particular account of this whole matter, is expressed by Bishop *Spotswood*, and this contest was so great and famous, and the disturbances ensuing thereupon so notorious, that they were thought fit to be signified to the *States General* of the United Provinces, by their Agent then sent into *Scotland*, in the entrance of 1597. But such positions and undertakings as these, are calculated for a Meridian, equal in Elevation with the *Italian*.

Spotsw. *Hist. of* Sc. l. 6. p. 330.

Hist. of Sc. l. 6. an. 1596.

Adr. Damman. in Præst. Viror. Episc. p. 49. &c.

3. One thing insisted on for this *exemption of the Church*, and its Officers from the Civil Authority, is, that the Officers of

of the Church act by Authority *from Christ*, and therefore are not to be in immediate *subjection* to *Kings* and Princes. But this hath been particularly answered above. Sect. 2. Chap. 6. Sect. 4.

4. But they further argue, that it is the *Royalty of Christ* to Govern his Church in matters of Religion, and if the Civil Rulers do intermeddle herein, they thereby *invade* Christs Kingly Government. To which I answer. 1. That this way of arguing put into other language, would amount to thus much, That because Christ is the *King of his Church*, or of all Christians, yea and of all the earth; therefore Christians and the whole World, ought not to be *subject* to any *other King* or Ruler but to Christ. And this would serve the design of the highest *Fifth Monarchy men*, if it had any weight in it. 2. It is a gross falshood, that no act that Christ doth *as King*, may be performed by any other King. There are some great things in the *Kingly power of Christ*, which are wholly *incommunicable* in the nature of them, to any other human person whomsoever, being founded on his *Mediatory Office*. Such are his giving the *Sanction* to the Laws and Precepts of the Gospel, to become the *rule of the Christian Religion*; his Soveraign *dispensing* divine *grace* upon account *Christs Royal Authority not invaded by Princes governing in causes Ecclesiastical.*

B. 1 C. 8 count of his own merits; his pronouncing the *final sentence* of Absolution and Condemnation, and his having by a peculiar *right* an *Universal authority* over all the World; *all power in heaven and earth* being committed to him. And all such things as these, are as far disclaimed from *Kings*, as from other men. But there are 2 other *acts* of *Christs Government* of his Church, where some thing of like nature, ought to be performed by others, though in a different manner: thus Christ *ruleth* Christians, and so may all Christian Kings do; Christ doth *protect* his Church, and so ought all Soveraign Powers to do; Christ by his Authority *encourageth* the *pious* and devout, and discountenanceth the negligent, and so ought all Rulers as well as all other good men to do by theirs. 3. If *governing* others with respect to Religion, were peculiar to Christ himself and his Royal Authority, the authority of *Ecclesiastical Officers* would by this method become void also; for Christ hath not conveyed the *peculiarities* of his Royal Authority to them. But as they in their places have authority from Christ; so the *civil power* is in subordination to him, who is *King of Kings*, and is confirmed by him.

5. There have been also other very *pernicious*

vicious principles, which undermine the whole foundation of the Royal Supremacy, both in matters *civil*, and *Eccleſiaſtical*. In our late dreadful times of Civil War, the whole management of things againſt the *King*, and the undertaking to *alter* and *order* publick affairs without him, was a manifeſt and *practical diſowning* the *Kings Supremacy*. Some perſons then who would be thought men of ſenſe, did aſſert, that though the King was owned to be *ſupreme Governour*, yet *the ſupremeſt Soveraign power was in the people*. Others declared that the title of Supreme Governour, was an *honourary title given to the King, to pleaſe him inſtead of fuller power*. And in the Iſſue, by a pretended *Act*, it was called Treaſon, to ſay, *that the Commons aſſembled in Parliament, were not the ſupreme authority of the Nation*. But there were alſo ſome who then affirmed, the whole *body of the people* to be ſuperiour to the *Parliament*, and that they might call them to an *account*. Sect. 2. *Popular Supremacy diſclaimed:* *July 17. 1649.* Nota.

6. But becauſe I hope theſe poſitions are now forſaken, and becauſe much in the following Book is deſigned againſt the dangerous effect of them, in *taking Arms*, I ſhall content my ſelf here to obſerve three things. Firſt, that thoſe who would

B.1.C.8. *diſprove* the Royal *Supremacy*, becauſe of ſome actions which have been undertaken by ſome of the people, or by any in their name againſt their Kings, or even to the *depoſing* of them; do firſt ſtand bound to prove all theſe actions to be *regular* and juſtifiable: or elſe it is no better argument, than they might make uſe of againſt the *authority of God*, from the *diſobedience* of men.

7. Secondly, The aſſerting *ſupremacy of Government* in the body of the *people*, is a poſition big with *nonſenſe* and *irreligion*. Tis *nonſenſe* (like a whole Army being General) ſince Supremacy of Government in the whole *body of the people*, can be over no body; unleſs ſomething could be ſupreme over it ſelf: whereas if there be no higher power than what is in the whole body of the people, this muſt be a ſtate of *Anarchy*, where there is no *ſuperiour or ſupreme*. It includes *Irreligion*, becauſe Religion eſtabliſheth the *Government* of a people, to be the *ordinance of God*: and whereas Government muſt be by the exerciſe of a *ſuperiour authority*, there can be no authority upon Earth *ſuperiour to the ſupreme*.

8. Thirdly, Supremacy cannot be aſſerted in a *Parliament*, without doing violence to plain evidence. For as loyal

Engliſh

Engliſh *Parliaments* have conſtantly acknowledged *ſupremacy in the King*; ſo it is manifeſt, that the Parliament regularly is under the *Government of the King*. For he *Summons* and gives birth to it by his *Writ*, continues it at his pleaſure, and hath the authority of *adjourning*, *proroguing* or *diſſolving* it, as he ſees cauſe. Sect. 2.

CHAP. IX.

Corollaries from the foregoing diſcourſe, concerning ſome duties of ſubjection.

THE Royal Supremacy being aſſerted, it will hence follow, 1. That Subjects ought to own and *acknowledge* this juſt authority, and ſupremacy of their Soveraign; and heartily to manifeſt an humble, peaceable, and *faithful ſubmiſſion* thereunto. This is that which the Rules of the Chriſtian Religion do enjoin, and they who are averſe from the performance hereof, do as much as in them lies *enervate* this authority, and render it unmeet to attain its ends, for which God did appoint it, even the peace and good of the World. And for the more effectual promoting of this *faithful ſubjection*, the *Corol.* 1. *Of ſubmiſſion and ſolemn profeſſing the Kings Right.*

B. 1. C 9. ſacred bond of an *Oath of homage* and *fidelity*, is approved by God himſelf, *Eccl.* 8. 2. and hath been made uſe of by the general wiſdom of the World. The ancient practice of ſuch Oaths is manifeſt under the *Jewiſh Government*, *Jud.* 11. 10. 2 *Kin.* 11. 17. as alſo under the *Chaldean* Empire, *Ezek* 17. 19. and under the *Perſian* and *Roman* Empires. And that the *primitive Chriſtians* even in the time of perſecution, did by their *Oaths* aſſure their *allegiance* to thoſe Princes, ſeemeth well obſerved by *Baronius*, from *Tertullian*, *Apol. c.* 32. where diſcourſing of that *fidelity* and *honour*, which the Chriſtians had for the Emperour, upon that occaſion ſaith, *Sed & juramus.*

Joſeph. Ant. l. 11. c. 8. & l. 17. c. 3. Herodian l. 2. Bar. an. 169. n. 9.

Of ſpeaking reverently.

2. *Corol.* 2. Subjects ought alſo to ſpeak of their Princes with *reverence* and expreſſions of *honour*. For all authority whether of *Father*, *Maſter*, or other *Ruler*, deriving ſuitable degrees of *honour* upon the perſon; the greateſt and *chief civil honour* doth of right belong to him, who in his Dominions is poſſeſſor of the *higheſt authority* upon earth. And the ordinary uſing outward expreſſions and *titles of honour*, is in this Caſe the more needful and reaſonable, becauſe this hath a conſiderable influence upon the diſpoſing men to *obedience*, and becauſe Government it ſelf

self becomes most *useful*, where it is entertained with *due reverence*. Wherefore the title of Κράτιστος, *optimus or most excellent*, which was the usual stile of honour which both *Jews* and *Romans* gave to the *president of Judea*. *Act.* 23. 26. *ch.* 24. 3 was readily made use of to *Festus*, by S. *Paul*, *Act.* 26. 25. And when *Priests* and *Rulers* were none of the best men, the holy Scriptures stile the Priest, the *Angel* or *Messenger of the Lord of Hosts*, *Mal.* 2. 7. and the Ruler, the *Minister of God*, *Rom.* 13. 4. and of such they use that expression, *Ps* 82. 6. *I said, Ye are Gods.*

3. And the primitive *Christians* were forward by such means to promote and secure the due *honour of superiours*. To which purpose *Dionysius* Bishop of *Alexandria*, when he was a Confessor, and exposed himself to be banished for the Christian profession, did yield to *Valerian* and *Galienus*, persecuting Emperours, the title of θεοφιλέστατοι, *most pious*. Both *Athanasius* himself, and the *Alexandrian Church* which held to him, called *Constantius* the *Arian*, *Most Religious*, εὐσεβέστατον. And when *Constantine* wrote to some of the Prefects of the Empire, he gave to them in two Rescripts mentioned by *Eusebius*, the title of καθοσίωσις ἡ σὴ, *your sanctity*.

Euſ. Hiſt. Eccl. l. 7. c. 14.

Athan. Ap. ad Conſt. Teſtim. Eccl. Alexand. in Athanaſ. Euſ. Hiſt. Eccl. l. 10. c. 5.

B. 1. C. 9. *ſanctity.* And that the ancient Churches did readily give to the Emperours their uſual *Imperial titles*, and did ordinarily treat them with ſuch a ſtile as *Sanctiſſimi, Pientiſſimi, Religioſiſſimi*, is not only manifeſt from particular Writers, but is abundantly apparent from the Synodical Epiſtles of Provincial, and even of Oecumenical Councils.

Conc. Eph. Tom. 2. c. 10. & To. 4. c. 17. 4. And as the like *expreſſions of honour* were frequently and uſually given to the *Chriſtian Biſhops:* ſo when the Council of *Epheſus* were about to denounce the ſentence of depoſition, againſt *Neſtorius* Biſhop of *Conſtantinople*, for his Hereſy; and when they wrote to *Celeſtine*, againſt *John* Biſhop of *Antioch*, as being an Enemy to the true Faith, in complyance with *Neſtorius*, they gave them both the title of *Moſt Religious*. And the like was done before the ſentencing *Dioſcorus* and other Biſhops who complyed with *Eutyches*, in the Council of *Chalcedon*. Wherefore ſuch expreſſions as theſe were intended as titles of honour, given to them upon account of their *office*, and without reſpect to their *perſonal vertues*, and in that ſenſe are to be underſtood.

Conc. Chalc. Act. 2. Evagr. Hiſt. l. 2. c. 18.

Maſ. de Min. Angl. l. 3. c. 5. n. 3. & ibid. Baron. & Bin.

5. The uſe of ſuch expreſſions of *honourary titles* is allowed and defended, both by *Romiſh* and *Proteſtant* Writers. And

And thoſe perſons who would appear backward, in yielding to the ſupreme Governour his juſt ſtile of *eminency* and ſupremacy, are wanting in giving him the honour which God enjoins, and cannot eaſily be acquitted from the guilt of *ſcandal*, in encouraging the bad temper of ſome, and adding to the ignorance of others in that particular. And they who are deſirous to *expoſe* the perſons, actions or conſtitutions of their ſuperiours, may take warning by the actings of *Ham*, towards his Father *Noah*, which entailed a Curſe upon his poſterity.

Of praying for Kings.

6. *Corol.* 3. It is alſo the duty of ſubjects, heartily to *pray* for Gods bleſſing on the perſon, and Government of their Soveraign; becauſe therein both *Church* and *State*, and *private intereſts* alſo, are ſo much concerned. This was enjoined by S. *Paul*, as a matter of principal concernment, 1 *Tim.* 2. 1, 2. and was performed in the early times of Chriſtianity. And the Council of *Merida* did more particularly pray for their King *Receſſuinthus*, becauſe he was Governour *in all Cauſes Civil and Eccleſiaſtical*; *quoniam de ſecularibus ſancta illi manet cura, & Eccleſiaſtica per divinam gratiam recte diſponit mente intentâ, ſit illi opitulatrix ineffabilis omnipotentis Dei gratia, quæ ſe quærentibus*

Tert. Apol. c. 30. Conc. Emer. in Præf.

B. 1. C. 9. *tibus manet propinqua.* But because it is an high piece of Hypocrisy and dissembling with God, to pray to him for the good of any person, whose good and happiness is not really desired; therefore the divine Precept to *pray for Kings*, and the *Christian practise* answerable thereto, was well urged as a sufficient evidence by *Tertullian*, to prove Christians to be true and real Friends and no Flatterers of Princes and Emperours, wheresoever the true spirit of Christianity is embraced.

Apol. c. 31.

Of obedience to the laws of our Governours.

7. *Corol.* 4. The chief and principal duty required, is the practise of *obedience* to the *laws* of our superiours. Even in lesser Societies, a *Father* or *Master* whose authority is of an inferiour nature, hath a power of *commanding*, without which there can be no order in Families. And it is the general acknowledgment of the World, that the *welfare of humane Society*, of which Government taketh care, cannot be obtained without establishing *laws* and publick Rules: and there is no Kingdom or Country in the World under any *civil Government*, where *laws* have not been established, and an authority to *enjoin* them acknowledged. And obedience to such laws is plainly enjoined upon all Christians, since they are obliged to be *subject to the higher powers*, and to *submit*

Arist. Eth. l. 10. c. 9. Politic. l. 6.

mit themſelves to every ordinance of man. But that this duty of *obedience* may be the better declared, I ſhall take notice of three pretenſions which are made uſe of, for the undermining it. Wherefore I ſhall obſerve,

8. Firſt, That *paſſive obedience* (as ſome call it) or a ſubmitting to penalties, is in things *which may lawfully* be done, no ſufficient diſcharge of Conſcience, or performance of duty, unto the laws of ſuperiours. And here *Active obedience* only, deſerves the name of *obedience*, and is neceſſary to be performed. This is evident from theſe three things. 1. From the general end and deſign of all Government, which a true *Chriſtian ſubjection* muſt comply with: and this is to *reſtrain diſorders* and evils, and to *promote* what is *good* and uſeful in the World. Now this end is obtained by the practiſing wholeſome Rules, but is not at all effected by the mere *bearing penalties.* For by the ſuſpending *active obedience*, the order of the World would be turned into *confuſion:* ſince as *Clemens Romanus* urgeth in this Caſe, As the ſerviceableneſs of an *Army*, dependeth much upon its being under Command, and the uſefulneſs of the *members* of our *bodies* appeareth, from their being ready to perform the motions, about which

The neceſſity of Active Obedience.

1.

Cl. Rom. Ep. ad Cor. p. 49, 50.

B. 1. C. 9. which they are imployed; ſo the good eſtate of the *weal publick* is procured, by mens careful obſerving and attending to uſeful and profitable Rules and directions.

4. 2. From other parallel inſtances. It is againſt the nature of *Religion* to imagine, that wicked men and evil Angels who *deſpiſe Gods laws*, and reject his Precepts, are to be eſteemed as *blameleſs* and Well-doers, meerly becauſe they bear the *puniſhment* and miſery, which God inflicts. And ſurely no reaſonable man can think, that if a *ſervant* be idle, careleſs, and unfaithful; by being only beaten for his fault, without any amendment of his carriage, he becomes thereby *faithful* and innocent: or that if a *Child* be diſobedient to his Parents, and ſtubborn, he hath ſufficiently diſcharged all that duty, which God or Man requireth from him, by being *corrected*. And the pretence of general performing obedience to Governours, by bare ſubmitting to *penalties*, but neglecting in things lawful to *practiſe* what is *enjoined*, is as oppoſite as theſe former inſtances, to the Rules both of Reaſon and Religion.

3. 3. From the Sanction of *puniſhment* towards them who do evil, and are diſobedient. For God who is ſo juſt that he will not *condemn* the righteous, nor *puniſh* the innocent, hath committed to Rulers the

power

power of the ſword, to execute puniſhment on the diſorderly and diſobedient: which he would never have done, if the neglect of active obedience to laws, which is the cauſe for which puniſhments are inflicted, were not in it ſelf *a fault*. But *whoſo provoketh him* (a King) *to anger*, ſinneth *againſt his own Soul*. Prov. 20. 2.

9. Secondly, Nor are ſubjects diſobliged from obeying the *laws* of their ſuperiours, by their entertaining *doubts or ſcruples* concerning the lawfulneſs of them. But becauſe what I have written elſewhere, is ſufficient for the proof of this, I ſhall chiefly refer the Reader thither, and ſhall only add, 1. That if we conſider *doubts* in themſelves, ſince here is no *certain evidence* concerning the unlawfulneſs of the things commanded; if theſe *doubts* and ſcruples proceed from a regular and uniform *cautiouſneſs of Conſcience*, there is as much reaſon (if not much more, becauſe of the plainneſs of the commands of obedience) to ſcruple or doubt of the *lawfulneſs* of *diſobeying*, as of the lawfulneſs of *obeying*. And ſo the conſideration of doubts and ſcruples, taken ſingly and alone, can be no pretence againſt the *performing obedience*, when even theſe very things ought to have as ſtrong a force, againſt the *neglecting obedience*. 2. If we conſider the

Doubts do not diſcharge from obedience.

B. 1. C. 9. the duty and ſtate of *ſubjection*, it will thence appear, that it was well aſſerted by S. *Auſtin*, that ſubjects may and ought to *obey* their Princes Commands, where they are certain that what he Commands, is not againſt the *Command of God*; and even where they are *not certain* that it is ſo. And indeed if an *uncertain doubt* did but make it ſafe not to perform obedience, this would bring very great *confuſion* and diſorder into the World, and would teach it the ready way, which many would liſten unto, how *children* might ſafely diſobey their Parents, and *ſervants* their Maſters, as well as *ſubjects* their Governours. But ſince next to the obeying God, we owe obedience to our ſuperiours, even by the *command of God*: no man can warrantably *diſobey* them, but where he knows he hath in that Caſe, the *Command* or Authority of God to the contrary.

Cont. Faust. l. 22. c. 75.

10. Thirdly, Whereas many perſons are prone in general to account them, who are leaſt ſtudious to comply with the *authority* of men, (though they be their *Governours*) in matters of *Religion*, to be men of the greateſt *Conſcience* and integrity, who do not affect the things of this World, nor aim at their own intereſt therein: even this is a perfect miſunderſtanding, and a groſs miſtake. For 1. Since

Since the due performance of *obedience* in things *lawful* is a duty, there is more integrity and *good Conſcience* in the peaceable *practiſing* it, than in the *neglecting* it. This may receive greater clearneſs by comparing it with the parallel Caſe of *obedience to Parents.* Now that perſon who ſhall *forſake* or diſobey *Father or Mother*, in a neceſſary Caſe of Religion, acteth as one truly *pious:* but he who will be *diſobedient* to his Parents in things lawful, is far from ſhewing himſelf thereby to be the better man, or the better Chriſtian; in that he may ſeem not to conſult his own *intereſt* in the World, by venturing to diſpleaſe or provoke his Parents, and to loſe thoſe advantages and favours, he might by a dutiful carriage receive from them. Notwithſtanding ſuch empty pretences to plead for *diſobedience*, we muſt acknowledge the truth of what *Hierocles* aſſerted, even from the principles of equity and reaſon, that *Parents* are no where elſe to be *diſobeyed*, but where themſelves are not *obedient* to the divine Precepts. And the duty to Princes is of a like nature.

Performing obedience is a part of integrity and good Conſcience. X

Hier. in Pythag. p. 53.

not

11. 2. They who ſeem to diſregard their own *intereſt*, in ſome things in the World, and not to deſire the *favour* of their *ſuperiours*, do not deſerve to be accounted the better or the wiſer men; unleſs

B. 1. C. 9 leſs this be done in the neceſſary diſcharge of *duty to God*, and the keeping firm to the truth of Religion. In thoſe Caſes forſaking Houſes, and Lands, and Life, becomes a needful duty, but it is not ſo at other times. *Origen* tells us, that the Chriſtians of his Age were not ſo far beſides themſelves, and void of reaſon, as to *diſpleaſe* and *provoke* Princes, further than this was the effect of their obſerving the laws of God. And the Schiſm of the *Donatiſts*, and eſpecially the *Circumcelliones*, who were furious and outragious perſons among them, hath been never the better eſteemed in the Chriſtian Church; becauſe they not only *withſtood* the *laws* of the Chriſtian Emperours againſt it, but were very prodigal in *caſting away* their own *lives*, to gain reputation to their party. That man who will *ſpend* or throw away his Eſtate, in a *contention* with his *equal*, where it would better become him to live in *peace*, is to be *cenſured*, not *applauded*: and to do the like in *contending* with his *ſuperiour*, is the worſe of the two; becauſe the *common good*, the *peace* of the Church and the duty of *ſubjection*, are herein concerned. And he who hath undervaluing thoughts of the *approbation*, favour and reſpect of Governours, in the performance of his duty, cannot well have high

Cont. Celſ. l. 8. p. 420.

Aug. de Hæreſ. c. 69.

Cont. Gaud. Epiſt. l. 2. c. 15.

high thoughts of the institution and ordinance of God, which appointed them for the *praise of them that do well.* Rom. 13. 3. 1 Pet. 2. 14.

12. 3. That man only acts as becomes a truly *conscientious man*, and a good Christian, who is careful to avoid all sinful dispositions, without undue affecting to *please* himself, or to *oppose* the wayes of peace, or to *seek applause* from any sort of men, in the neglect of his duty. And indeed the being in *vogue* and *reputation*, with a particular company of men, is to some persons a more *prevailing temptation* than the proposal of *gain* or publick *honour*; of which we have a plain example, even amongst the Apostles of our Saviour. When they had arrived so far, as that they could part with all their *possessions*, and be content to undergo *scorn* and contempt, from the generality of their Nation, for their Masters sake; they were so prone to affect the *reputation* of being the *greatest* in their own Society, that they needed the watchful eye, and frequent rebukes of their Saviour, to check and curb this evil temper. And besides this there are those who make use of the interest of a party, as a method of *gain* also, as is easily observed. Luk. 9. 46, 47, 48. ch. 22. 24, 25, 26. Mar. 10. 44.

13. Wherefore the performing *active obe-*

B.1.C.9. *dience* in lawful things, to the Precepts of Superiours, is a duty which must not be neglected, by him who would keep a *good Conscience*, since according to the will of God, we *must needs be subject, not only for wrath, but also for Conscience sake.*

Christian

Christian Loyalty.

The Second Book.

Of the Unlawfulness of Subjects taking Armes against the King.

CHAP. I.

The publick Forms of Declaration, against the lawfulness of resisting *the King by* Armes, *considered.*

SECT. I.

Of the Oath of Allegiance *or Obedience, and its disclaiming the Popes power of* deposing the King, *or licensing his Subjects to offer any violence to his Person, State, or Government.*

1. THE preservation of Civil *Governours*, and the *Peace* of Kingdoms, is of so great concernment, that the

B.2.C.1. wiſdom of Lawgivers hath juſtly taken eſpecial care thereof. And Tumults, Conſpiracies and *civil Wars*, are uſually attended with the higheſt miſchiefs; the violation of things *Sacred*, the baniſhing of *natural affection*, and therewith *Chriſtian* love, meekneſs, mercy, and the duties of *ſubjection*; and the practiſing murder, rapine, violence and lewdneſs. And beſides what every man may himſelf perſonally ſuffer, in ſuch Calamities; the diſmal *ſpectacles* which his eyes may *behold*, the *tragical relations* which his ears muſt *hear*, and the perplexing *fears* which may aſſault his mind; in the lively ſenſe of them, are effectual and aſtoniſhing convictions, of the dreadfulneſs of tumultuous and treaſonable *Conſpiracies*, beyond all that can be expreſſed concerning them.

2. But though the Chriſtian *Religion* doth firmly oblige men to peace, obedience, and *due ſubmiſſion*; there are many perſons who own that name, and yet entertain *poſitions*, wholly inconſiſtent with the Precepts of that *Religion*, and the ſafety of *Princes* and their Kingdoms. And therefore it is but reaſonable, that thoſe who are admitted into any Office in the *Church*, and are to *teach* and inſtruct others; and they who receive any Government in the *State*, and have the power of *com-*

commanding others, ſhould teſtify their *loyalty*, and their *deteſtation* of ſuch poſitions, as undermine the ſecurity of Kings and Kingdoms. And to this purpoſe is eſtabliſhed in this Realm, a twofold *acknowledgment*; the one more particular againſt *Romiſh Conſpiracies*, and the other more general. Sect. 1.

3. The former is contained in the *Oath of Obedience* or Allegiance, which all the Clergy, and other principal ſubjects of this Realm do conſtantly take. And therein it is declared, that *the Pope* hath no power to *depoſe the King*, or to diſpoſe of his *Dominions*, to *abſolve* his Subjects from their Obedience, or to Licence them to *bear Arms* againſt, or offer violence to his Perſon or Government; whether he proceed by *Declaration*, *Sentence*, *Excommunication*, or any otherwiſe. *3 Jac. 4. The Oath of Allegiance, againſt the Popes depoſing power.*

4. And indeed there was very great reaſon, to uſe needful circumſpection, againſt the pretence of this *Papal power of depoſing Kings*, which had appeared with ſo great boldneſs in the World, and done ſo much miſchief in it. And this pretence is not only managed, as an intrigue of the policy of the *Court of Rome*, but is engrafted into the *doctrine* of the Romiſh Church. In the General Council (as they at *Rome* eſteem it) at the *Laterane*, under *Innocent* *This power of the Pope to depoſe Kings, aſſerted in the Church of Rome.* *Conc. Lat. c. de hæret. an. 1215.*

B. 2. C 1. *Innocent* the Third, it was declared, that *if any temporal Lord did not purge his land from Heresy, he should be Excommunicated by the Metropolitan and Bishops, and if he make not satisfaction within a year, the Pope shall pronounce his subjects absolved from their fealty, and shall give his Country to Catholicks to possess it without any contradiction.* And this Constitution doth not only respect such temporal Lords, who have some *inferiour Dominions*, without Soveraign dignity, as some of the more loyally inclined Romanists would interpret it: but it also concerneth *Soveraign Princes*, as these words thereof will evince; *eadem lege servata circa eos, qui non habent dominos Principales.*

Sheldon's *Reasons for lawfulness of Oath of Allegiance.*

In Concil. Lugdun. an. 1245.

5. And in another reputed General Council, *Innocent* the Fourth did actually pronounce this *sentence*, against *Frederick* the Second then Emperour; That as *Christs Vicar*, and by vertue of his having said to S. *Peter*, *whatsoever thou shalt bind on earth, shall be bound in heaven*, he did declare and *denounce* the Emperour, *for his sins* to be by God *deprived* of all honour and dignity, adding, *& nihilominus sententiando privamus.* And thereupon he proceeds to *absolve* his Subjects from their *Oath of fealty*, and by his Apostolical

cal Authority to Command them, that they *yield him no obedience, help, or counſel, as Emperour*, and Decrees that all who ſhall do otherwiſe, ſhall be *ipſo facto excommunicate*. And this proceeding and ſentence, which was related by M. *Paris*, and from him by *Binius*, in his account of this Council, was alſo taken into the Decrees of the *Canon Law*. Sect. 1. Sext. Decr. l. 2. Tit. 14. c. 2.

6. And though *Santarellus*, and ſome few others, may have ſpoken more broadly and expreſly, and have been more taken notice of, by the publick cenſures of *France*; yet he who ſhall conſult the generality of the *Romiſh Writers*, which are moſt in vogue amongſt themſelves, will find them for ſome hundred years paſt, to be *aſſerters* of theſe *dangerous poſitions*. So much do the Romiſh Doctrines tend to the undermining the Rights and Authority of Princes. Cardinal *Bellarmine* produceth the teſtimony, of towards fourſcore of their Writers, beginning from *Gregory* the Seventh, and *Aquinas*, for the aſſerting the Popes *temporal power*, and almoſt all of them do indeed plainly own his power of *depoſing Kings*. And a further account is to the ſame purpoſe given, by Cardinal *Perron*. The ſame ſpirit hath been ſince propagated; and in *England* the Treatiſes lately written by that ſort of Bellarm. adv. Barclaium, de Poteſt. Pap. 80. *In the Jeſuits Loyalty.*

B.2.C.1. men, againſt the *lawfulneſs* of taking the *Oath of Allegiance*, becauſe it diſclaimeth this depoſing power of the Pope, are open to publick view: and the firſt of thoſe Treatiſes undertaketh to prove, the acknowledging this *depoſing power*, to be a branch of the *doctrine* of the *Romiſh Church*.

Theſe Papal practiſes miſchievous to the World. Platin. in Vit. Greg. 7.

7. Nor are theſe only *words* and opinions, but things which have been in many Ages *pernicious* to the World. Since *Gregory the Seventh*, for ſix hundred years paſt, the Roman Biſhop hath frequently by his *Sentence* and *Excommunication*, undertaken to *depoſe* Kings and Emperours, to ſtir up Subjects to *take Arms* againſt their Soveraigns, and even Children againſt their own Fathers; as was done againſt the Emperour *Henry* the Fourth; and thereby dreadful *Wars* have been oft occaſioned in many Countries, and eſpecially in the *Empire*. And with reſpect to *England*, ſome years before King *John* was forced to yield his Crown to *Pandulphus*, the Popes Legate; the Pope undertook by his ſentence to *depoſe* him from being King, and to order that another perſon ſhould ſucceed him, being choſen by the Pope; as *M. Paris* expreſſeth it, *Sententialiter definivit, ut Rex Anglorum* Johannes *à ſolio regni deponeretur, & alius*

M. Par. an. 1212.

alius Papâ procurante ſuccederet. And of later times the Bull of *Pius* the Fifth againſt Queen *Elizabeth*, did preſume to *deprive* her of her Title to her Kingdom, and to Command her Subjects not to *obey* her. And in her Reign, other *Bulls* and *Breves* were ſent into *England*, to the ſame purpoſe; and alſo to declare all perſons, who were not of the *Romiſh Communion*, to be excluded from the *ſucceſſion* to the Crown. Theſe things together with ſeveral *treaſonable attempts* of the Romiſh party (which were the reducing this doctrine into practice) and particularly the *Gunpowder-Treaſon*, made it needful to provide the Oath of *Allegiance*, wherein this dangerous pretended power of the Pope is renounced. And ſince the forming that *Oath*, *Paul* the Fifth ſent over his *Breves*, (and Card. *Bellarmine* his Letters) declaring that this Oath could not be taken, *Salva fide Catholica*, with the preſervation of the Catholick Faith, and the *Salvation* of their own Souls. Sect. 1.

In Bellarm. Reſp. ad Apolog. pro Jur. Fidelitatis.

8. Now this pretended power of the Pope, if it had any real foundation, muſt bear it ſelf either upon his peculiar eminency and *ſuperiority over Princes*, even with reſpect to things temporal; or upon the force and vertue of the meer ſpiritual power of *Excommunication*; or from the

B. 2. C. 1. the occaſion thereof, the pretended crimes of *Hereſy*, *Apoſtaſie*, or *Infidelity*, and their being ſo adjudged. The firſt of theſe is that which the Popes themſelves do much inſiſt upon; as appears from their own *Inſtruments*, Grants, and Bulls, relating to the *depoſing* Kings, and the *diſpoſing* of Kingdoms and Countries. And it may be obſerved, that the claim of the depoſing power, upon account of a *Soveraign Dominion*, to give and take away Kingdoms, doth lay the rights of Kings at the mercy and pleaſure of the *Pope*; as other Officers and Dependents are at the pleaſure of the King in his Kingdom. And then it muſt be alſo granted, that the Pope may *deprive* them, without reſpect to any ſuch Caſe Eccleſiaſtical, as *Hereſy*, *Excommunication*, or ſpiritual puniſhment of ſin; and ſuch a power was claimed by ſome Popes.

The Pope hath no ſuperiority over Princes, whereby he may deprive them of their Dominions.

Greg. 7. l. 8. Epiſc. 21 c. 15. q. 7. c. alius.

9. But having in the former Book, as I hope, ſufficiently proved the *Supremacy of Kings* in their Dominions, and diſproved the *ſuperiority of the Pope* over them, it may be thence inferred, that no *depoſing power* can poſſibly belong to him upon this pretence: which alſo will receive further confirmation, from many things in the following Chapters of this Book. Only I ſhall here take notice, that as ſome other Scriptures are produced for this depoſing power,

power, which at firſt ſight appear to ſignify no ſuch thing, as the inſtance of *Jehoiada* who only acted the part of a *faithful ſubject* to *Joaſh*, againſt a cruel Uſurper; and doth not certainly appear to have been the High Prieſt; ſo there is a peculiar Wire-drawn nicety, which ſome make uſe of, to prove this depoſing power from thoſe words of our Saviour, *Joh.* 21. 16. *Feed my Sheep.* Hence they argue, that it belongs to the *office* of a *Paſtor* to drive away *Wolves*; and therefore the chief Paſtor may *depoſe* ſuch Princes, who are hurtful to the Church. And this ſame argument may alſo prove, that all Paſtors have the power of the *Sword*, and of making *reſiſtance*, and of *killing* and deſtroying mens lives, and exerciſing ſuch Authority as the *Kings of the Gentiles* did. But to this which will admit of many anſwers, it may be ſufficient to ſay. 1. That it is a great vanity to found an argument, upon the ſtraining a *metaphorical expreſſion*, which only proves that they want better proofs. As if all Chriſtians from the ſame text might be concluded to be *Fools*, becauſe Sheep are ſilly Creatures: and that it is not fit that Chriſtian Kingdoms ſhould *defend* themſelves by *Arms*, againſt an invading Enemy, becauſe it agrees not with the nature of Sheep, to *fight* with Foxes

Sect. 1.

Biſhop Montagues Acts and Monum. ch. 6. n. 26, 27. Gr. de Valent. Tom. 3. Diſp. 1. Qu. 12. punct. 2. V. & Bellarm. de Rom. Pont. l. 5. c. 7.

or

B.2.C.1. or Wolves. 2. And it is no part of the peculiar *authority* of a *Shepherd*, to drive away a Wolf; which any Man, or Dog either, may warrantably do, as well as the Shepherd.

Gr. de Val. ubi ſupra. C.15.qu.7. c. nos ſanctorum, & c. Juratos.

10. But it is pretended alſo, that thoſe perſons who are *Excommunicated* becauſe of *Hereſy*, (or as ſome add *for any other cauſe*) do thereby loſe their *Dominion*, and Authority over their Subjects. And this is aſſerted and declared by *Gregory* the Seventh, and *Urbane* the Second. Now though the having diſproved the *authority* of the Biſhop of *Rome*, to extend to this *Kingdom*, doth ſufficiently manifeſt, that he hath no more power to *Excommunicate* any Prince, or Subject of *England* (having no *Juriſdiction* here) than a *Biſhop in England* hath, to Excommunicate any Prince or Subject in *Italy*: yet I ſhall here take notice of ſome things further concerning *Excommunication*, and alſo concerning *Hereſy*. Concerning Excommunication I ſhall obſerve,

Excommunication doth not forfeit temporal rights.

11. Firſt, That it is contrary to the nature of *Excommunication*, though in the higheſt degree, that any perſon and eſpecially a Soveraign Prince, ſhould thereby loſe thoſe *temporal rights*, which are not founded in their relation to the *Church*. Indeed in Chriſtian Kingdoms there are ordinarily

narily ſome *temporal penalties*, and abatement of *legal priviledges*, inflicted upon the perſons *excommunicate*: but this is not the *natural effect* of that ſentence, but is *added* thereto by the *civil Government* and Soveraignty, under which ſuch perſons do live. And therefore no ſuch thing can take place with reſpect to *Soveraign Princes*, who have no temporal ſuperiour, to annex this as a *penalty*. Excommunication is a ſeparating an Offender from the *Chriſtian Society* of the Church, not a caſting him out of the *World*; it removes him as *Tertullian* expreſſeth it, *à communicatione orationis, & conventus, & omnis ſancti Commercii; from communicating in Prayer, Chriſtian Aſſemblies, and all holy Commerce.* But that *temporal rights* are not thereby loſt or forfeited, is acknowledged by ſome conſiderable Writers of the Romiſh Church; as *Richeome* and *Soto*, who are cited with approbation by *Blackwell*. Sect. 1. Tertul. Ap. c. 39. Blackw. *his Examination.* 1607. n. 39.

12. This may be further manifeſt from the words of our Saviour; wherein he expreſſeth the ſtate and condition of a perſon *Excommunicate*, *Mat.* 18. 17. *Let him be to thee as an Heathen man, and a Publican.* Now ſuppoſing here that a Chriſtian Prince were Excommunicated; to be as an *Heathen man* is no more, than to be

B.2.C.1. be as the *Roman Governours* were, to whom S. *Paul* and S. *Peter* enjoin obedience, and to be as *Tiberius* himself was, towards whom our Saviour commands the performance of duty. The *Publicans* who received the Roman Tribute, were so hateful to the Jews, that they would not *eat* with them; they were accounted *oppressive exactors*, as the Jewish Rabbins declare, and the words of S. *John Baptist* intimate, *Luk.* 2. 12, 13. And indeed they had so general a reputation of *injustice* even amongst the Romans, that it was thought a remarkable commendation of the Father of *Vespasian*, in the publick Inscription upon the Statues erected in honour of him, καλῶς τελωνήσαντι, that he was an *honest Publican*. But yet with respect to the civil rights of *tribute* which they demanded, our Saviour requires and commands to *render unto Cæsar, the things that are Cæsars*, *Mat.* 22. 21.

Hor. Hebr. in Mat. 5. 46.

Suet. in Vesp. n. 1.

Princes may not be Excommunicated as others may.

13. Secondly, I observe that *Soveraign Princes*, are not liable to the Sentence of *Excommunication*, in the same manner with *Christian Subjects*. Though Princes must be under the care and conduct of *Ecclesiastical Pastors* and Guides, yet the duties of that relation must be discharged, with a reverent respect to the state of *subjection*. And the different Case of a *Prince* and

and a *ſubject*, with reſpect to Excommu- Sect. 1.
nication, may be diſcerned by diſtinct re-
flecting on the *cauſes*, the *effects*, the *end*,
and the *manner of proceeding* in Excom-
munication. If we conſider the *cauſes or*
occaſions of Excommunication; a Sove-
raign is capable of loſing, and *forfeiting*
his relation to the Society of the Chriſtian
Church, as well as other perſons; becauſe
as Mr *Thorndike* obſerveth, he as well as
others comes into the *Communion of the*
Church, upon the terms and conditions of
Chriſtianity; and a *failure in the condi-*
tion muſt make the effect void. Such was
the Caſe of *Julian*, who being an *Apoſtate*,
and no longer *embracing Chriſtianity*, had
no more any right to be accounted a *Chri-*
ſtian. The *effect* of Excommunication is
ſuch, that it ſometimes *prohibits converſe*
among private perſons; except in ſuch *re-*
lations, as do not depend upon the Society
of the *Church*, and therefore remain in-
tire, notwithſtanding the *ſeparation* from
that Society; as of Parents and Children,
Husband and Wife, Maſter and Servant.
And upon this account, no *ſubject* can by
vertue of *Excommunication*, be prohibi-
ted converſe with, and diſcharge of all
duty and reſpect to his *Soveraign*; be-
cauſe this is that which he oweth him by
the bond of *Allegiance*, and the *laws of*
nature,

Right of the Church. Ch. 4. p. 236.

Davenant. Diſcurſ. 48.

&c.

B.2.C.1. *nature*, humane Society and civil polity.

14. And the *end* of all Ecclesiastical power, being for the *good* of the Church and of Mankind, it being an authority *for edification and not for destruction*; in all the acts thereof due caution ought to be used, in avoiding the unnecessary *exasperating* those who are in *chief authority*, against the Officers of the Church, which oft occasioneth lamentable discords and contentions. And because the good of the Church consists chiefly in the advancement of *Piety*, and Religious *obedience*, of which one branch is, the honouring and *obeying superiours* and Governours; upon account of *Christian piety* all just care must be taken, that no act of *Ecclesiastical authority*, do render Soveraign Princes the more *disrespected*, and *disesteemed* of their Subjects. And upon this account also it is needful, that all Ecclesiastical Officers do carefully avoid the suspicion, of undermining the *secular rights of Princes*, which hath been inordinately done in the *Romish Church*, under the pretence of the *power of the Keyes*, and of binding and loosing.

V. Bard. de potest. Papæ, c. 9. & c. 26.

15. And lastly and chiefly, The *manner of proceeding* in the Sentence of Excommunication, being ordinarily by a *judicial*

dicial proceſs, and a publick *Judicial ſentence*; and there being no Eccleſiaſtical Court or Perſon, who hath any *ſuperiour power* or authority over a *Soveraign Prince*, to Command or *Summon* his appearing before them, to anſwer to what ſhall be objected againſt him; I cannot ſee how, unleſs by his own *conſent*, he ſhould become ſubject to ſuch *Judicial proceedings*. The *Biſhop of Rome* did indeed preſume to ſummon Kings before him; but this was an high act of his *Uſurpation*. Whereas according to the groundwork now laid, a Soveraign Prince cannot by any coactive Eccleſiaſtical Power, become ſubject to ſuch a ſentence, and the open and outward proceedings therein. But ſtill *Princes* as well as any other perſons, muſt *ſubmit* themſelves to the *power of the Keyes*, in undertaking the rules of *repentance*; ſo far as they are needful for procuring the *favour of God*, and obtaining the benefit of the Keyes by *Abſolution*; as was in a great part done, in that memorable Caſe of *Theodoſius*, upon the ſharp rebuke of S. *Ambroſe*. And though all Chriſtians upon manifeſt evidence, may in ſome Caſes ſee cauſe to diſown a *Soveraign Prince* (as was done in *Julian*) from being any longer a Member of the Chriſtian Society; yet in ſuch Caſes this Mem-

Sect. 1.

Theod. Hiſt. l. 5. c. 17. Sozom. Hiſt. Eccl. l. 7. c. 24.

B. 2 C. 1. bership ceaseth, and is *forfeited* by his own act, and not properly by a *Judicial sentence* and formal Process. And some of the Romish Writers go much this way in giving an account, how the Bishop of *Rome* whom they suppose to be *superiour* to all men on Earth may by reason of Heresy or such Crimes, be *deprived* of *Christian Communion*.

Gr. de Val. Tom. 3. Disp. 3. Qu. 15. Punct. 3.

2. *Heresy doth not deprive men of all temporal rights.*

16. Concerning *Heresy*, it might be sufficient in this Case to observe, that those who in Communion with the *Church of England*, embrace that true Christian Doctrine, which was taught in the Primitive and *Apostolical Church*, are as far from being concerned in the crime and guilt of *Heresy*, as loyal Subjects are, from being chargeable with *Rebellion*. But that assertion which some Romish Writers embrace, that *Hereticks are ipso facto, deprived of all temporal rights*, and superiority, (*etiam ante judicis sententiam*, say some) is necessary to be rejected. For this is a position that would ruine the *Peace* of the World, when it would put every party upon *seising* the possessions of all, whom they account *Hereticks*, as having a just right so to do. And this is certainly *false*, because *temporal Dominion* is not originally founded, in the entertaining the true Doctrine of Religion, or the Faith of Christi-

Valent. T. 3. Disp. 1. Qu. 10. P. 8. & qu. 11. P. 3. & qu. 12. p. 2.

Layman. The. Mor. l. 2. Tr. 2. c. 16.

Chriſtianity, ſince S. *Paul* required ſubjection to the *Pagan Rulers*, as being *ordained of God*, *Rom.* 13. 1,--7. Had this been true, the *Scribes and Phariſees*, who were guilty of *Hereſy*, could not have ſat in *Moſes Seat*, nor ought *Conſtantius* and *Valens* to have been acknowledged, as they always were by the Chriſtian Church, for *Soveraign Princes*. Sect. 1.

17. That *damnable doctrine and poſition*, which is abjured in the Oath of Allegiance, as *impious and heretical*; That *Princes which be Excommunicated or deprived by the Pope*, *may be depoſed or murdered by their Subjects*, *or any other whatſoever*, is owned and aſſerted, even with reſpect to the murdering them by ſeveral Popiſh Doctors, and by ſome of them as a thing moſt highly meritorious. Among whom alſo the *murdering* of Princes is approved, if they be only thought remiſs, and not zealous in carrying on the intereſt of the Romiſh Church: and on this account, the horrid murther of *Hen.* 3. and *Hen.* 4. *of France*, hath been applauded and commended by divers of them. But the wickedneſs of all ſuch aſſertions and practiſes, will be *abhorred* by all loyal and Chriſtian Spirits, and will I hope be plainly manifeſted, from the following part of this diſcourſe.

Suar. in Reg. Brit. l. 6. c. 6. Vide Arnaldi Oration. cont. Jeſuitas in Cur. Parlam. Sixt. 5. in Orat. in Conſiſt. Rom. Comolet. in Arnald. Orat. ubi ſup.

B. 2. C. 1. *Of Heretical Doctrints.*

18. And whereas this Doctrine and Poſition is abjured as *Heretical*, the phraſe *Heretical*, muſt be here taken in a proper and ſtrict ſenſe. But when the Scriptures or ancient Fathers ſpeak of *Hereſy*, or Heretical Doctrines ſtrictly and properly, they thereby underſtand ſuch *Poſitions*, which under the profeſſion of Chriſtianity, do ſo far oppoſe and undermine the true Chriſtian Doctrine, as to bring thoſe who maintain and practiſe theſe things, to the wayes of *deſtruction*. Thus thoſe Doctrines were by S. *Peter* eſteemed *damnable Hereſies*, which were propoſed by *falſe Teachers*, and were *pernicious* and deſtructive, both to them, and to thoſe who followed them, 2 *Pet.* 2. 1, 2, 3. *Ignatius* alſo deſcribeth Hereſy to be a *ſtrange Herb*, no *Chriſtian food*, which joineth the name of Chriſt with *corrupt doctrines* (*quæ & inquinatis implicat Jeſum Chriſtum*, in the Latin publiſhed by Biſhop *Uſher*, by which the Medicean Greek, χαιρὸι παμεμωλέχυσιν, which is certainly amiſs, and concerning which, both *Voſſius* and *P. Junius* add their different conjectures, may be corrected: for that Copy out of which this Latin was tranſlated, ſeemeth to have read, ᾧ ῥυπαροῖς ἐμωλεκ. &c.) as they who give a deadly *poyſon with wine and honey, which may pleaſe and yet kill.* And

Ignat. ad Trallian.

Tertullian

Tertullian accounted ſuch aſſertions to be Hereſy, as undermine the *Faith*, and lead to eternal *death*; and where the Teachers of them, though they profeſs the name of Chriſt, do corrupt his Doctrine, and are *Adulteri Evangelizatores.* In like manner S. *Auſtin* owneth him to be an *Heretick*, who under the Chriſtian name reſiſteth the *Chriſtian Doctrine*, and perſiſteth in maintaining *dogmata peſtifera & mortifera; peſtilent and deadly opinions.* And when *Aquinas* treated of *Hereſy*, he declared that the import thereof is, *the corruption of the Chriſtian Faith.* Nor would it be difficult to add a numerous Company of approved Writers to the ſame purpoſe.

Sect. 1. Tert. de Præſcript. c. 2, 5.

Aug. de Civ. Dei, l. 18. c. 51.

22æ. q. 11. a. 2. o.

19. Now ſince the Popes *depriving power* hath been diſproved, this Poſition here abjured is not only falſe, but according to this notion of Hereſy, it is properly an *Heretical Poſition.* For this juſtifieth the higheſt diſobedience and *reſiſtance* of Superiours, though the Apoſtle declares that ſuch *ſhall receive to themſelves damnation.* This gives liberty to the greateſt acts of *unrighteouſneſs* towards Princes, and conſequently towards their Subjects, and the whole Community, although the doctrine of Chriſtianity declares, that *the unrighteous cannot inherit the Kingdom*

Doctrines allowing Subjects or others to depoſe or murther Princes, are Heretical.

B.2.C 1. *of God.* It also gives way to the wicked practises of *murder*, and breaking the *peace* and order of the World, under most heinous aggravations, though all this be severely decryed and *condemned* in the Christian Doctrine. And it allows of the most signal instances of *perfidiousness*, notwithstanding the obligations in this Case to fidelity, from the divine Precepts; the reverence of an Oath; the respect to Gods Ordinance, by which Rulers are established; and the interest of the common good. And after all this to aver that any thing of *Christ's institution* and appointment, doth give a Warrant to, and approbation of these impieties, is a Position both *heretical* and *blasphemous*, concerning the Government of our Saviour. Now not only those assertions which directly contradict the Articles of our *Creed*, but those also which oppose the necessary *Rules* and *Precepts* of a holy life, which are a considerable part of the *Christian Faith* and Doctrine, have generally been esteemed *heretical doctrines* in the Church of God. Thus those assertions of *Simon Magus*, the *Gnosticks* and the *Nicolaitans*, whereby they gave allowance to impure and *unclean practises*, have ever been reckoned among their *heretical* doctrines. Such also were accounted the Positions condemning Marriage,

The like Position in the Arrest of the Parl. of Paris *against* Chastell, *was condemned* as heretical. *And on these accounts in* Greg. 7. Plerisque Episcopis pestifera hæresis visa est. Aventin. Annal. Boior. l. 5.

Epiph. Hær. 21, 25, 26.

Ibid. Hær. 47. & 61.

Marriage, by the *Encratitæ* and *Apoſtolici*, and the rejecting all proper poſſeſſions and Dominion by the latter of them; with many other things of like ſort. Sect. 1.

20. But ſome may incline to think, that wicked aſſertions contrary to the Faith and Doctrine of Chriſtianity, ought not to be accounted *heretical*, unleſs they be ſo *adjudged* and declared by a Catholick Council. Now here I acknowledge, that with reſpect to *external penalties* to be inflicted on Hereticks, ſuch Rules have oft times been reaſonably obſerved. And it muſt alſo be granted, that in what Church ſoever truth and a *zeal* for Religion is maintained, it may well be expected, that ſpurious and dangerous Doctrines which openly ſpring up therein, will be there *deteſted* and *condemned*, and the authoritative ſentence of lawful Councils ought to be reverenced. But it cannot be, that in the inward nature of the thing, the being of an *heretical doctrine* muſt depend on ſuch a Declaration. Had this been true, the firſt *Broachers* and ſecret *Spreaders* of all Hereſies, how impious ſoever they were, could not be forthwith chargeable with Heretical doctrine. And if the *Catholick Biſhops* were either wanting to their duties; or by any extraordinary emergency were in an *incapacity* of meeting

B.2.C.1. ing in Council; or else were over-voted in the Council, as it happened in the Synod of *Ephesus* concerning *Eutyches*, and in many other Heretical Conventions; this would excuse from Heresy the Teachers of the most *wicked doctrines*, though they propagated them and *persisted* in them to their lives end. And if the determination of an *Oecumenical Council* should be thought necessary, to the asserting any doctrine to be *Heretical*; then could there be no Heresies in the first three hundred years after Christ, unless it should be in opposition to the things declared in that Council, *Acts* 15. if that should be supposed general. Then also *Irenæus*, *Tertullian*, and others of the Fathers were unadvised, in their undertaking to write against Heresies, while there never had been any such things. And then it must be asserted also that *Arius* was falsly accused of Heresy, before the meeting of the Council of *Nice*. And what in its nature is not *Heresy*, cannot be truly so *adjudged*.

Practises of disloyalty condemned by Councils.

21. Yet the substance of this Position here rejected and abjured, hath been also censured and condemned by *Christian Councils*. In the beginning of the Primitive Church, it cannot reasonably be expected that such things should be condemned

ned by Councils, becauſe no ſuch *poſitions* were then *defended*, nor any ſuch *wicked undertakings* againſt Princes than *practiſed*, by the Profeſſors of Chriſtianity. But after that diſloyal and treacherous practiſes were entertained, they were earneſtly *cenſured* and condemned by divers Councils. Sect. 1.

In the fourth Council of *Toledo* it was declared, that whoſoever ſhould *violate their Oaths*, made for the *preſervation of the King*, or ſhould *attempt his death*, or the *depoſing him from his Kingdom*, *qualibet conjuratione aut ſtudio*, *by any Covenant or deſign whatſoever*, *ſhould be Anathema from the preſence of God*, and have no Society with his *Church*. And much to the ſame purpoſe was declared in the fifth and other following Councils of *Toledo*. And in a Synod of all *England*, in which alſo the *Popes Legates* were preſent, a like dreadful Curſe is *denounced* againſt them who ſhall violate the Majeſty of Princes, and alſo that they who ſhall *conſent to ſuch a ſacriledge*, as to take away the life of the King, ſhall periſh with an *everlaſting Curſe*, and being Companions with *Judas*, ſhall be burnt with *eternal fire*. Conc. Toled. 4. c. 74. Conc. Toled. 5. c. 2. In Conc. Calcuthenſ. an. 787. c. 12. in Spelm.

And in the Council of *Conſtance*, that aſſertion, that an *ill governing Prince may lawfully or meritoriouſly be killed*, *by his ſubject or Vaſal*, was condemned as *erroneous* Conc. Conſtant. Seſſ. 15.

XUM

B.2.C.1. *neous in faith and manners*, and rejected as *heretical, ſcandalous*. &c.

22. It is confeſſed indeed, that there is no particular clauſe in theſe Councils now produced, for condemning theſe treaſonable acts, in this ſpecial Caſe of the *Popes pretended deprivation*: But yet the former Councils take in all Caſes without exception, and no ſuch *Papal power* was ever pretended to in thoſe days. And though the Council of *Conſtance* hath a reſervation, of a dangerous aſpect, concerning the *ſentence of a judge*: yet ſince the Pope is in truth no judge to depoſe Princes, the pretence hereof can no more mend the matter; than the cenſure of the *High Prieſt* againſt our *Saviour*, could vindicate *Judas* for betraying him, or the *Jews* for Crucifying him. Yet ſtill it is eaſy to produce *ſeveral Councils* who ſince the appearance of this haughty Papal claim of depoſing Princes, have with particular reſpect thereto, declared againſt this *impious doctrine*, which is deteſted by them who take the *Oath of Allegiance*. When this Papal Uſurpation was firſt put in practice, by *Greg.* 7. againſt *Henry* 4. Emperour, there were Councils at *Mentz*, *Ticinum*, and *Brixia*, and others after them, who ſtill *condemned* all thoſe who in that Caſe acted againſt the *Emperour*. And the conſideration

Apud Brixinam Hildebrandum Hæreſeos condemnant. Avent. l. 5. p. 460. Urſperg. ad ann. 1080. & 1085.

ſideration of the *Popes pretence*, was alſo included in that general Declaration in our own Church, againſt *Subjects bearing Arms againſt their King, upon any pretence whatſoever.* And theſe Councils though diſallowed at *Rome*, were in this reſpect *truly Catholick*, becauſe they held to the Rules and Foundations of the true and Primitive Doctrine of the Catholick Church. Sect. 1. Can. 1. 1640.

23. But it is unreaſonable to demand, that for the declaring this to be Hereſy, we ſhould produce the determination of the *preſent Church of Rome*, againſt this deteſtable Poſition, ſince the *Pope* and the main part of the *Romiſh Church*, are the perſons who ſtand chargeable with *maintaining*, either the whole, or at leaſt a conſiderable part, of this *heretical poſition* here abjured. For in this Poſition, *That Princes which be Excommunicated or deprived by the Pope, may be depoſed or murthered by their Subjects or any other whatſoever*; the two main branches do concern the *depoſing* and the *murthering* of Princes deprived or Excommunicated by the Pope. Touching the former, the *depoſing* of them, the very forms of the *Papal ſentence* which I have above mentioned, not only *allow* but require and *command* that ſuch Princes be *depoſed*, and *This Heretical Poſition entertained by the Pope and his Adherents.* Supra n. 5, & 7.

B. 2. C. 1. and that their Subjects do *renounce all fealty* and Allegiance to them. And by the Pope, his Conclave, and their Adherents, it hath been accounted a *crime* deſerving Excommunication and Death alſo, for Subjects to *defend their Soveraign* whom the Pope had ſentenced, as was long ſince complained of, by ſome of them who maintained their *Allegiance* to the Emperour, *Hen.* 4. and were therefore by the Pope devoted to deſtruction.

Aventin. Ann. Boior. l. 5. p. 460.

Epiſt. Leodienſ. adverſ. Paſchal. 2.

24. Yet it is certain, that there have been and are divers perſons, and the chief part of ſome Countries of the *Romiſh Communion*, who own not, but oppoſe that part of this aſſertion, which concerneth the *depoſing of Princes*. But ſeveral Writings of this ſort of men, as of *Barclay de poteſtate Papæ*, and others of the like temper, have undergone a *publick cenſure at Rome*; and their opinions are herein looked on with ſo ill an eye, that at *Rome* they are thought not to be altogether ſound in the Roman Faith.

Le Merc. Franc. an. 1609.

25. And touching the *depriving* ſuch Princes of their *lives*; when Cardinal *Bellarmine* had aſſerted, that it was not the *Popes method*, to promote any thing againſt their *lives*, he explains himſelf, that he meant this with reſpect to *private aſſaſſinates*, and not to what might happen in the

Bell. Reſp. ad p. 65. Apolog. pro juram. fidelit.

the raiſing *open Wars*. But yet concerning the more ſecret attempts of *Parricide* againſt ſuch Princes: 1. Their Canons declare, that *they are not accounted Murderers, who in a zeal to the Catholick Church, do kill ſome who are Excommunicate.* 2. The horrid act of *James Clement*, who murthered *Henry* the Third of *France*, was applauded by *Sixtus* the Fifth, in the Roman Conſiſtory. 3. The *arreſt* of the Parliament of *Paris* againſt *John Chaſtell*, who attempted the murder of *Henry* the Fourth, and wounded him, was cenſured at *Rome* by a publick *Edict*, *Nov.* 9. 1609. 4. When *Parry* undertook to kill Queen *Elizabeth*, his intention was not only promoted by the *Popes Nuncio's*, and other perſons in *Venice* and *France*; but deſiring for his full ſatisfaction, to underſtand the Popes approbation, by a Letter from *Cardinal di Como*, which was read at his Arraignment, and owned by him, he was aſſured, that the *Pope* himſelf highly *praiſed and favoured* his undertaking, as may appear from the Letter it ſelf in *Biſhop Bilſon*, dated *Januar.* 30. 1584. And to theſe, other things of like nature, and of later time might be added, which will ſhew that at leaſt at ſome times ſuch things as theſe have been *encouraged at Rome.*

Sect. 1. C. 23. §. 5. Excommunicatorum. §. 6.

Le Mercure Francois. an. 1609. f. 376.

Eliz. Annal. Chriſtian. Subjection. Part. 3. p. 503, 504.

26. Yet

B. 2. C. 1.

But it was declared to be damnable Hereſy by S. Peter.

26. Yet it may be obſerved, that ſuch Poſitions as this expreſſed in this Oath, were in general accounted and declared *damnable Hereſies*, by one who is owned to have had both *Apoſtolical and Epiſcopal* Authority at *Rome*, even by S. *Peter himſelf*. When he had foretold the comeing in and ſpreading of *damnable Hereſies*, 2 *Pet.* 2. 1, 2. and declared the *deſtruction* that ſhould come upon thoſe who received them, *v.* 1, 3, 4, 9. he then tells us in ſome particulars who they are whom God will thus puniſh, *v.* 10. *chiefly them who walk after the fleſh, in the luſts of uncleanneſs, and deſpiſe Government: preſumptuous are they, ſelf-willed, they are not afraid to ſpeak evil of dignities.* Now the walking in the luſts of *uncleanneſs*, was the practical embracing the impure and *heretical doctrines* of *Simon Magus*, the Gnoſticks, and others like them. And ſince *Government* and *Dignities* do very properly expreſs *Civil*, as well as *Eccleſiaſtical*, or any other power; and the temper of thoſe who are prone to *deſpiſe* Civil Government, is fitly deſcribed by their being *preſumptuous and ſelf-willed*; and S. *Jude* in the parallel place, *Jude* 8, 11. ſpeaks of their *periſhing in the gainſaying of Core*; theſe words may reaſonably be thought, to have a great reſpect to

to *Civil Authority*. And if we further conſider, that among thoſe ancient Hereticks, ſome under a pretence of *liberty*, ſo far oppoſed *Dominion*, that they *deſpiſed their Maſters*, and would not *obey* them; the allowing of which S. *Paul* condemns, as a great *oppoſition* to the *doctrine of Chriſt*. 1 *Tim.* 6. 1, 2, 3, 4. and that there is ſome intimation of the ſame ſpirit, towards *Kings* and other Governours, 1 *Pet.* 2. 13, 14. 16. and that at laſt this proceeded ſo far, that they taught that the *Government* of the World had its *original* not from *God*, but from the evil ſpirit (which Poſition *Irenæus* confutes) this may well perſwade and manifeſt, that the Apoſtle had in this place an eye to theſe things. And then *this ſenſe* muſt be comprehended under theſe words, that thoſe aſſertions which eminently include the *deſpiſing*, *diſobeying*, *and ſpeaking evil of civil Government and Authority* (as the declaring it lawful to *depoſe*, or *murder* a Soveraign doth) are *damnable Hereſies*. Sect. 1. Iren. adv. Hæreſ. l. 5. c. 24. Tertul. adv. Valent. c. 22.

27. I only add, that *pertinacionſneſs*, which is included in the deſcription of an *Heretick*, having reſpect to the temper of the perſon, who embraceth Heretical Doctrine, is not needful (though it be alſo in this Caſe ſufficiently

B.2.C.1. ently evident) to prove a Poſition to be Heretical.

Of abſolving from the Oath of Allegiance.

28. I ſhall not inſiſt particularly on that Clauſe in the Oath of Allegiance, *That neither the Pope, nor any perſon whatſoever, hath power to abſolve from that Oath*; becauſe this muſt ſtand and fall with the *depoſing power*. For the *abſolving Subjects* from the *Oath of Allegiance*, muſt be preſumed to be to this end, that ſuch perſons ſhould be no longer obliged to *acknowledge* the Authority, or *perform* the duty, which is therein expreſſed and contained: and the beſt of their own Writers do found the Popes Authority of *diſcharging* Subjects from ſuch *Oaths* and Duties, upon the effect of his *depoſing* or *depriveing power*. And it muſt be granted, that if the Pope cannot *depoſe a Prince*, as is ſufficiently evinced that he cannot; then Princes have a right of *governing*, notwithſtanding all the Pope can do, and his Subjects are then bound by the divine law, to perform *Allegiance*, though they ſhould never have taken any ſpecial Oath to that purpoſe. But if the Prince could be indeed *depoſed* by the Pope, and conſequently hath no longer a *right of governing*; I acknowledge that *any other man* as well as the *Pope*, may pronounce the duties and obligation of *ſubjection* to ceaſe,

ceaſe, towards him who is no longer their *Ruler* and *Governour*. Sect. 2.

SECT. II.

Of the Unlawfulneſs of taking Arms, *upon any pretence whatſoever, againſt the King.*

1. The more general acknowledgment, for the preſervation of the Kings ſafety is, *That it is not lawful upon any pretence whatſoever, to take Arms againſt the King.* And that *I do abhor that traiterous poſition, of taking Arms by his Authority againſt his perſon, or againſt thoſe that are commiſſionated by him.* This profeſſion is required by the *Act of Uniformity* to be made by all the *Clergy*, and the ſame thing in ſenſe, is enjoined upon all *civil* and *military Officers*. And here I ſhall diſtinctly conſider the ſeveral clauſes; which are all to be *interpreted*, with reſpect to the end and *deſign* of them, which is the *preſervation* and juſt ſecurity, of the *Kings perſon* and Government, and the due performance of the *Subjects Loyalty*.

Of the unlawfulneſs upon any pretence to take Armes againſt the King.

2. The firſt clauſe, *That it is not lawful, upon any pretence whatſoever, to take Arms againſt the King*, is the chief and principal

B.2.C.1. principal part of this acknowledgment: which in the due latitude of its ſenſe, doth include what is more particularly expreſſed in the following words. And the ſenſe of this is nothing more, than what the *Church of England*, and the eminent members thereof, hath *conſtantly acknowledged*. Our Homilies teach, that *it is not lawful for inferiours and ſubjects in any Caſe, to ſtand againſt and reſiſt the ſuperiour power*. And in the Canons 1640. it was declared, that *for ſubjects to bear Arms againſt their Kings, offenſive or defenſive, upon any pretence whatſoever, is at the leaſt to reſiſt the powers, which are ordained of God: and though they do not invade, but only reſiſt, S. Paul tells them plainly, they ſhall receive to themſelves damnation.* And to the ſame ſenſe the *Univerſity of Oxford* hereafter mentioned.

Hom. of Obedience. Part. 2.

Can. 1. Concerning Regal Power.

3. This clauſe of acknowledgment, being framed and enjoined by an *Engliſh Parliament*, not without reſpect to the diſloyal and unchriſtian proceedings in this Nation, and tendered to *Engliſh Subjects*, and relating particularly to *the King*, not indefinitely to *any King*; can bear no other rational conſtruction, than to condemn the *Engliſh Subjects* taking *Arms* againſt their natural Soveraign, the *King of England*. And therefore, though the like

like attempts againſt any other *Kings*, who enjoy *Soveraign Authority* are equally blameable in their Subjects; yet this Poſition doth not aſſert the utter unlawfulneſs of *taking Arms*, amongſt any other Nations, againſt him who hath the title of *King*, if he doth not therewith enjoy that right of *ſupreme Government*, which our Kings have and exerciſe. And therefore in ſuch a Conſtitution of Government as the *Lacedemonian* was, in which *Pauſanias* had the title of a *King* under the *Ephori*, but with as much diſtance from *Royal Power* and Supremacy, as was in the military *Imperator*, or General among the Romans, from the Dignity of an *Emperour*; we are not concerned to determine any thing concerning their Rights. The like condition of the Kings of *Tabrobana*, is mentioned by *Pliny*; and others have given ſomewhat a like account concerning ſome other places. But againſt a *Soveraign Prince*, all open Hoſtility, and ſecret treachery in his Subjects, is Univerſally to be eſteemed utterly *unlawful*. Sect. 2. Plut. in Pauſan. Plin. Nat. Hiſt. l. 6. c. 22.

4. And it might be wiſhed, that there had never been in *England*, or elſewhere, any ſuch treacherous and diſloyal *actions*, or *aſſertions* (from which the true Friends of the *Church of England* have been free) as ſhould render it exceeding needful, to *Violence hath too oft been offered to Princes.*

B.2.C.1. make uſe of the greateſt care and caution, for the preſervation of the *perſons of Princes*. But alas! the wretched *practiſes* againſt our late *Dread Soveraign*, are equally manifeſt and horrid: and the too forward proneneſs of vicious men to entertain *rebellious deſigns*, both under Paganiſm, Judaiſm, Mahometaniſm, and Chriſtianity, might afford matter enough for *multiplyed Tragedies*. I ſhall forbear many inſtances which might be given, both in our own and many other Kingdoms, and ſhall only reflect on that temper and ſpirit, which hath prevailed in *Rome* and *Scotland*.

De Civ. Dei, l. 3. c. 15. 5. In the firſt riſe of the Roman Power, it was obſerved by S. *Auſtin*, that of their *Kings* which reigned before the Conſuls, there were only two, *Numa Pompilius*, and *Ancus Martius*, who died of any Diſeaſe, if ſo much may be affirmed of both them. And *Suctonius* who writeth the lives of the twelve firſt *Cæſars*, ſheweth, that beſides *Julius Cæſar*, and *Domitian*, no leſs than ſix of them who immediately *ſucceeded one another*, even all from *Tiberius* to *Veſpaſian*, had their Deaths procured either by *ſecret treachery* or open *aſſaults*: and that there were *ſuſpicions* concerning, and frequent *Conſpiracies* againſt others of them. And of later times, omitting many other inſtances, and the Rebellions in other Countries

Suct. in Calig. n. 58. Claudio n. 44. Ner. n. 49. Galb. n. 19. Othon. n. 11. Vitell. n. 17.

Countries which was the fruit of the *doctrine*, propagated from *Rome* ſince *Greg.* 7. I ſhall only add, that though *Ancona* be under the Government of the Popes Officers, and lies near the Gates of *Rome*, the Inhabitants thereof are complained of, in one of the Summaries of their *Canon Law* to this purpoſe, *ſoliti ſunt rectores interficere, it is uſual with them to kill their Governours.* And it hath been obſerved, that the *Scots* in the ſucceſſion of ſomewhat above *an hundred Princes*, have killed betwixt thirty and forty of them. Sect. 2. Extrav. Joh. Tit. 12. c. 1.

6. And hence it may appear, that that Genius and temper which hath too much prevailed in *Rome* and *Scotland*, was ſuch as diſpoſed them to ſhew no very great reſpect unto Princes: and this may poſſibly have had ſome influence upon the *Conclave* in the one, and the *Kirk* in the other. And indeed where bad *notions* or *inclinations* get a through entrance, they are apt to *propagate*, and are not eaſily rooted out. Thus S *Hierome* obſerves, that *Galatia* which too readily embraced *corrupt doctrines* in the Apoſtles times, notwithſtanding S. *Pauls* Epiſtle to them, continued to be a place prone to *Hereſy* unto his time. And the Church of *Corinth* was ſo apt to fall into Diviſions and *Schiſms*, that notwithſtanding the Apoſtles ſevere Hier. Procem. in lib. 2. Comment. ad Galat.

B. 2. C 1. Clem. Rom. Ep. ad Cor. rebukes of them for that ſin, they were ſoon after his Death, ſtrangely *over-run* with it again, to the great diſparagement of their Chriſtian profeſſion.

7. Of the undutiful carriage of the *Kirk* of *Scotland*, I gave a conſiderable, and known inſtance, in the former Book. And that they at *Rome* do caſt high diſreſpects, and create great danger to Princes, may be diſcerned both by the former Book, and by the foregoing Section.

Poſitions of Fanaticiſm and Jeſuitiſm diſloyal.

8. And beſides theſe matters of *fact* and *practiſe*, it hath been manifeſt, that many wild, extravagant, and *diſloyal Poſitions*, which are dangerous and deſtructive to Government and humane Society, have been aſſerted by men of a *Fanatick ſtrain* and temper; of ſome of which, I ſhall have occaſion to take more particular notice, in the progreſs of this diſcourſe. Some of them aſſert, that the *people* in general may take the Power and Government into their own hands, and *deprive* and puniſh their *Governours* when they ſee cauſe; others grant this power only to the perſons who are the *peoples repreſentatives*, others fix the ſame in *inferiour Officers*, with reſpect to the ſupreme Governour. And others have run on ſo far, as to yield this power to the *meaneſt part* of the *people*, as was aſſerted by an Anonymous Scotch-

De Jur. Mag. in Subd. qu. 6. Junius Brut. Vind. Qu. 2. Rutherf. *of civil Policy.* Qu. 9, 31, 32, &c.

Scotchman, about the time of the *Galloway* Rebellion, That in the *right of ſelf defence*, the concourſe of the *Nobles*, or the *Primores Regni*, is no way of abſolute neceſſity. Sect. 2.

9. And amongſt the Papiſts, they who are of the *Jeſuitical ſtrain*, do not only embrace thoſe notions of the *Popes depoſing power*, to the great prejudice of *Soveraign Princes* Authority and ſafety: but they alſo run into the higheſt ſtrain of *Fanaticiſm*, in violating the majeſty of Kings, and ſubjecting them and their authority to the people. Thus *Mariana* when the Prince is accounted by the people to pervert his Government, alloweth to them the liberty of *publick reſiſtance* by open War: and alſo the uſe of *private violence*, commending the treaſonable Murther of *Hen.* 3. of *France*, by *James Clement*; and allows every man to ſet himſelf againſt ſuch a Prince, whom he calls a Tyrant, ſaying, *tanquam fera omnium telis peti debet.* He alſo (ſuch are the wicked and wretched principles of theſe Jeſuits!) approveth the uſe in this Caſe of *deceit* and *fraud*, yea and of *poyſon*, by poyſoning his Seat or Cloaths. But that we may think there is ſomething of *Conſcience* remaining in ſuch a ſpirit as this: he condemns, and declares againſt the giving ſuch a perſon *poyſon*, in his *meat*

De Rege l. 1. c. 6.

Ibid. c. 3.

Ibid. c. 7.

B 2. C. 1. and *drink*, for this doughty reason, because it is, saith he, against humanity, that he should be put upon contributing to his own Death, by any act of his own, which he would here do, by taking this poyson in his food. But sure this mans *reason* was as far from him as *Conscience*, when he wrote these things, in his not discerning, that there was altogether as much done, in *contributing* to his own death, by putting on his *poysoned Cloaths*.

Less. de Just. & Jure, l. 2. c. 9. Dub. 4. Becan. de Jure & Just. ad Qu. 64. D. Thom. qu. 4.

10. And *Lessius* and M. *Becanus*, two other Jesuits, in this particular agree almost word for word with one another, in asserting these Positions. That a Prince who hath a just title, becomes a *Tyrant* with respect to the *administration of his Government*, when he designs in his Government, and aims at his *private advantage, and not the publick good, and burdens the Common-wealth with unjust exactions, sells the offices and places of Judges; and makes Laws to his own advantage, and not the publick.* That when this Tyranny is no longer fit to be born, *this Prince is first to be deposed, or to be declared an Enemy by the Common-wealth, or the chief Estates of the Kingdom*, or *by any other who hath authority*, and then he thereby *ceaseth to be a Prince*, and it becomes *lawful to attempt any thing against*

againſt his perſon and life. That ſo long as he *remaineth a Prince* (that is, till ſuch acts be done as are now mentioned) *he may not be killed by private perſons, unleſs it be for their neceſſary ſelf defence.* Sect. 2.

And *Leſſius* ſaith, in another place, for the further clearing his ſenſe in this particular, that for the neceſſary *defending a mans own life, or ſecuring himſelf from being maimed, it is lawful to kill him* who ſets upon him himſelf, or procures another to do it. And this, ſaith he, muſt be owned allowable *againſt any ſuperiours whatſoever*, even that a *Vaſal may in this Caſe kill his King:* unleſs it be likely that *civil Wars* may follow for diſcord about ſucceſſion. And in ſuch an high ſtrain of *treaſon* and Unchriſtian diſloyalty, is the Jeſuits Caſuiſtical Divinity! But againſt the falſhood and wickedneſs of theſe *aſſertions*, it is needful to declare, and defend the true and peaceable principles of Reaſon and Chriſtianity; and againſt the *dangerous effects* which ſuch poſitions tend to promote, it is neceſſary that publick laws provide due ſecurity for the perſon of the King, to which purpoſe the general acknowledgment of the *unlawfulneſs of taking up Armes againſt him*, is of very good uſe. Dubit. 8.

The Laws of England *condemn all war againſt the King.*

11. Our *Engliſh Laws* providing for the

B.2.C.1. the ſafety both of King and Subjects, and the preſervation of their juſt Rights, do declare it univerſally unlawful to make or *levy any War* againſt the King. And upon this account it muſt alſo be as much againſt *reaſon*, and *Chriſtianity* (yea more, both becauſe of the greater duty to ſuperiours, and the concern of the general good) to *invade* that Right and Royalty, which the *Law* ſecures to the *King*, as to deny to Subjects that *property*, right and ſafety, which the *Law* provides for them. I confeſs the conſideration of our *Law* in matters of doubtfulneſs, difficulty, or *profound diſquiſition*, would be an unfit undertaking for my *profeſſion*, and eſpecially for a man of no deeper ſtudy in the Law than my ſelf. But I am perſwaded, that if no men had made uſe of ſubtil Artifices, and deſigned methods, to obſcure plain things, there would have been no want of evidence, even to any ordinary underſtanding in this particular, to direct them to the honeſt practiſes of their duty in *loyal obedience*. And indeed it would be an high reflexion on the Laws of our Realm, if ſuch things as theſe, ſhould be acknowledged to be matters of ſuch a perplexed intricacy, that honeſt and indifferent minds, who ſtand obliged to the practice of peace and *loyalty*, ſhould not without

without conſulting skillful Lawyers, be able to underſtand the general rule of their *duty*, and to whom they ought to yield obedience and *ſubmiſſion*. Sect. 2.

12. Beſides the words of this *publick Declaration and acknowledgment*, againſt lawfulneſs of *taking Armes*, which yet might be accounted ſufficient; in the Statutes in the time of King *Edw.* the Third, it is declared, without allowance of any caſe or pretence to the contrary, to be *treaſon*, if any man do *levy War* againſt our Lord the King in his Realm, or be *adherent to the Kings Enemies* in his Realm, giving them *aid or comfort* in the Realm or elſewhere. And ſince the reſtauration of his preſent Majeſty, it is alſo in general terms declared *treaſon*, to *levy War againſt the King, within the Realm or without*. And to cut off all pretences, either from the nature of the War as *defenſive* only, or from the authority of a *Parliament*, or of the Lords, or Commons, we have in two ſeveral Statutes this Declaration, *That both, or either Houſes of Parliament, cannot, nor lawfully may, raiſe or levy any War, offenſive or defenſive, againſt his Majeſty, his Heirs and lawful Succeſſors.* In which Statutes alſo, the ſole ſupreme Command and Government of the *Militia*, is declared by the Law

25 *Edw.* 3. 2.

13 *Car.* 2. 1.

13 *Car.* 2. 6.

14 *Car.* 2. 3.

B. 2. C. 1. Law of *England*, ever to be the *undoubted right* of his *Majeſty* and his Predeceſſors, Kings and Queens of *England*.

13. And from the Declaration and evidence of theſe *Laws*, that Plea which hath been made, from the Authority of *Grotius*, becomes wholly void. That learned man indeed did aſſert, that if the *ſupreme Government be part in the people or Senate, and part in the King: if the King invade what is not his right, he may be oppoſed with juſt force, becauſe he hath not ſo far any Supremacy.* And this he thinks muſt take place, though it be ſaid, that the *power of War is in the King*; for that, ſaith he, is only to be underſtood of *Foreign War, when whoſoever hath any part in the ſupreme power, cannot but have a right to defend that part.* But theſe words ſeem very ſtrange and inconſiderate, from ſo intelligent a perſon, if they be intended, as they ſeem to be, concerning one ſimple and *unmixt ſupremacy*. For to aſſert two capacities where each hath authority to make *War* with the other, is not to found one only *regular Government*, but to erect two *diſtinct Governments*, each of which have a ſupreme power of *judging* and of *execution*. Indeed in ſuch a mixt and *divided Government*, as is in the German Empire, it

Grot. de J. B. & P. l. 1. c. 4. §. 13.

it is allowed by the Conſtitutions and *Capitulations of the Empire*, that the ſeveral Principalities, or rather the Princes and Governours thereof, have a power of *taking Armes*, if their rights be invaded by the *Emperour*: but then theſe Princes in their own Territories, enjoy a right of *peculiar Soveraignty*. But if the whole of this *notion* of *Grotius* be taken together, it will according to his judgment conclude, that the *people of England*, Lords, Commons, or both jointly, have no part in the *ſupreme power*; becauſe theſe publick Laws declare, that they have no power of making ſo much as a *defenſive War*, againſt the *King*. Sect. 2.

14. And if we look into the *Records* of the former Ages, we may thence diſcern, that no *Subjects* whatſoever of this Realm, had under any pretence an Authority to *bear Armes* againſt the *King*. To which purpoſe it may be ſufficient to conſider the Concluſion of the *Barons Wars*, in the latter end of the Reign of King *Henry* the Third. Very many of the *Peers* and chief Barons of the Realm, undertook to make *War* with the King, under the Conduct of *Simon de Montfort* Earl of *Leiceſter*, whom *M. Paris* calls *Baronum Capitaneum*, and after ſeveral Battels had been fought, the Kings perſon was ſeized and M. Par. An. 1264.

B.2.C.1. and taken at *Lewis*. And not long after
Idem, an. 1265. this, the King Summons a *Parliament* at *Wincheſter*, in which all thoſe who acted under, or with *Simon de Montfort* are
Sir W. Raleigh *Priv. of Parl.* p. 31. *diſinherited*: which act of *diſinheriting* is reported to have been confirmed, in a following Parliament at *Weſtminſter*. But in order to the ſetling the State of the Realm upon more mild and gentle terms, by agreement between the *King* and the *Barons*, a Plenipotentiary Power was *delegated* and committed to twelve Peers, that they might eſtabliſh what they thought fit and convenient, concerning them who thus ſtood *diſinherited*.

An. 51 H. 3. Dict. de Kenilw. C. 2. 15. Theſe twelve publiſhed their determination, which had the force of a Law, under the name of *Dictum de Kenilworth*. In which it was concluded, that they who had been engaged in *Armes* againſt the *King*, unleſs the King had pardoned them, ſhould pay the *revenue of their lands for five years*. And they who had no Lands, were to give their *own Oath*, and to find other *Sureties* for their *peaceable behaviour*; and alſo make ſuch ſatisfaction, and undergo ſuch *pennance* as the Church
Ibid. c. 9. ſhould appoint. And that they who were *Tenants ſhould loſe their right in their Farms*, ſaving the right of *their Lords*.
C. 11. And that they who by their perſwaſion did

did *inſtigate* any to fight againſt the King, ſhould forfeit the *profits* of their Lands *for two years*; with many other proviſions for particular Caſes. And they alſo determined, that if any perſons ſhould *refuſe* theſe terms (which were propoſed as a favourable mitigation of ſtrict juſtice) they ſhould be *de exhæredatis*, and have *no power of recovering their Eſtates.* But ſome perſons and particularly *Simon de Montfort* himſelf, was excluded from theſe terms of favour, and left to the ordinary proceedings of juſtice, *in manus Regis.* Now thoſe practiſes and enterpriſes which were ſo publickly *cenſured*, condemned and *puniſhed*, by our *Parliaments*, and proceedings of juſtice, muſt needs be accounted by them *unlawful actings.*

Sect. 2. C. 29. C. 21.

16. In the year following *An.* 52 *Hen.* 3. the Statute of *Marlbridge* mentions it, as a great and heavy miſchief and evil, that in the time of the *late troubles in England*, many Peers and others, refuſed to *receive juſtice* from the *King* and his Court, as they ought to have done (which is more expreſly contained in the Original Latine, than in the common Engliſh Tranſlation, *juſtitiam indignati fuerint recipere, per Dominum Regem & curiam ſuam, prout debuerunt & conſueverunt*) and did undertake to vindicate their own cauſes of them-

St. Marlbridge, *c.* 1.

B.2.C.1. themſelves. Now to declare that all Peers, and all other perſons, ought to have *received juſtice* only from the *King* and his Courts; and not to revenge themſelves, or be Judges in their own Caſes; doth more eſpecially condemn the entring into *War* it ſelf, which is an undertaking founded upon a direct contrary proceeding. And thus far we have a ſufficient *cenſure* in our Engliſh Laws, upon that *War* againſt the *King*, which thoſe who have pleaded for the lawfulneſs of Subjects taking *Arms*, do account the moſt plauſible inſtance for their purpoſe, which our *Chronicles* can furniſh them with. And it is needleſs to go about to prove, that many other *Conſpiracies* and *Rebellions*, have been juſtly condemned and *puniſhed*, according to their demerit.

Some pretences ſhortly reflected on.

17. And whereas unchriſtian and evil actions, may oft be carried on under ſome fair *colours* and *appearances*; all ſuch *pretences* for taking Armes againſt the King, are in this *acknowledgment* diſclaimed: the truth of which will be juſtified in the following Chapters. And I ſhall here only ſhortly reflect, upon ſome few of thoſe pretences which are commonly made.

18. Some have accounted the defence of *Religion*, to be a ſufficient Warrant for taking Armes. But if the *Chriſtian Religion*

gion giveth a right to him who profeſſeth it, to *defend* himſelf and his profeſſion, againſt his Superiours by *Armes*; then muſt not our Religion be a taking up the *Croſs* but the *Sword*, and it would then be perfectly unlike the Religion of the *Primitive Chriſtians* and Martyrs, and would be no longer a *following of Chriſt*, our Lord and Saviour. Sect. 2,

19. Others have aſſerted the *defaults* and *miſcarriages* of Superiours, to be a *forfeiture* of their Power and Dominion; even as a *tenure* may be forfeited, upon the non-performance of the conditions upon which it is held. But though God may juſtly as a puniſhment of Offenders, *deprive* them of what good they here poſſeſs; he hath not made inferiours the *Judges* of their Superiours, nor can any ſuch forfeiture devolve on them. And he who conſiders the great *viciouſneſs* and cruelty of *Saul*, of *Tiberius*, and of *Nero*, under whoſe Reigns the Holy Scripture preſſeth the duty of Allegiance, will thence diſcern, that the making ſuch a *pretence* as this, is contrary to true Religion, and *Chriſtianity*. Jun. Brut. Vindic. Qu. 1. & 3. 2.

20. By many the defending of the *rights*, freedoms and *liberties* of the Subject, hath been eſteemed the moſt ſpecious pretence of all the reſt. But whereas there 7.

3.2.C.1. are other better wayes to *preſerve* theſe *rights*, which are moſt *violated* by *Wars*, and inteſtine Tumults and Broils: it cannot eaſily be thought probable, that he may be a judge and *avenger* of his own cauſe by *force*, againſt his *ſuperiour*, who may not be ſo againſt his *equal*. And ſince the tenderneſs of *Davids* Conſcience was ſuch, that notwithſtanding the many undeſerved *injuries* he ſuſtained, he durſt not *ſtretch out his hand againſt the Lords anointed*; and *Peters* drawing *his Sword* to defend his Maſter, was ſeverely rebuked (of which things more hereafter) the management of this objection muſt proceed from a Spirit contrary to that of pious *David*, and to the *doctrine* alſo of our Lord and Maſter.

SECT. III.

Of the traiterous Poſition of taking Arms by the Kings Authority, *againſt his* perſon, *or againſt thoſe who are* commiſſionated *by him.*

1. The other clauſe in the foremention'd Declaration or acknowledgment, is intended againſt another particular pretence of taking Armes: and is this, That *I do abhor that traiterous Poſition, of taking*

taking Armes by his (the Kings) *authority, againſt his perſon, or againſt thoſe that are Commiſſionated by him.* The Poſition or aſſertion here rejected, is thus expreſſed in the Oath to be taken by the Lord Lieutenants and Souldiers. *That Arms may be taken by the Kings Authority* (*viz.* though the King never own them, or give any Commiſſion for them, yea though they be) *againſt his own perſon, or againſt thoſe which are Commiſſionated by him.* And this Poſition, expoſing the ſacred perſon of the *King* to the higheſt danger, and being againſt the ſafety of his Life and Crown, is juſtly declared to be traiterous; and it ſtandeth chargeable with theſe enormities. Sect. 3. 14 *Car.* 2. 3. *Taking Arms by the Kings Authority againſt his perſon diſclaimed.*

2. Firſt, It is ſo *unreaſonable*, as to be againſt the common ſenſe of Mankind. Would it not look ſtrange, and be accounted a prodigious thing, to ſee a Company of *Children or Servants*, beat and abuſe the perſon of their *Father or Maſter*, diſpoſſeſs him by violence, and poſſibly at laſt to confine and *murder* him; and yet to expect that all men ſhould believe, they did this for the preſervation of his *Right and Government*, and in obedience to his *Authority*; yea, though he plainly declared and *proteſted* againſt theſe things, as being heinouſly injurious and unnatural.

B. 2. C. 1. Judic. Univerſ. Oxon. de fœdere, p. 66.

And it is no leſs unaccountable to pretend the *Kings Authority*, for taking Armes againſt his *perſon*. This is, as it hath been expreſſed, a like contradiction in ſenſe, reaſon and polity, as *Tranſubſtantiation* is in Religion; both which muſt ſuppoſe ſuch a preſence, as is impoſſible to be there; and is contrary to the plaineſt evidence. This pretence of the Kings *Authority* againſt his perſon, was hatched under the Romiſh Territories, and made uſe of in the *Holy League* of *France*. In the *Guiſian* attempts againſt *Henry* the Third, it hath been related as a matter of wonder to the common ſenſe of men, that they ſhould beſiege the *Loure* where the King was, and yet this ſhould paſs under the diſguiſe of *obeying the King* and *defending the King* and Country. That the name of the *King* doth denote the royal perſon who governeth, is the general apprehenſion of Mankind. And it is vainly pretended that all the proceedings of *juſtice*, being always in the *Kings name*, and by his Authority, when many of them are not particularly known to his *perſon*; muſt require the forming ſuch a legal *Idea* or Notion of the King as is diſtinct from his perſon: but this ſuppoſeth the Soveraign Authority to be in his *Royal perſon*, under whom and from whom, other Miniſters of Juſtice do execute

Hiſt. of civil wars of France, l. 5. an. 1588.

cute their ſeveral Offices. As when any man intruſts another, to manage any part of his buſineſs and affairs in his name, and by his Authority, this doth not make the man who commits the truſt, to become an *Idea or Notion*, diſtinct from himſelf or his *perſon*. Sect. 3.

3. Secondly, This ſtrained perverting of plain ſenſe in this particular, is not only againſt the ſecurity of the *King*, but may upon the ſame foundation become *fatal* to the lives of the *ſubjects*. For whereas ſome who managed this conceit, did aſſert in plain words, that even the Statutes which condemned *treaſon* againſt the King, had reſpect to the *King* in this Novel *Idea*, as intending thereby the *Laws* and the Kings Courts of *Juſtice*: it is eaſy to diſcern, that any *ſubjects*, who ſhall ſtand in the way of ſuch an ill-deſigning party of men, or ſhall diſpleaſe them, may eaſily be charged with *treaſon*, and thereby be cut off, upon pretence of oppoſing the *Laws and Government* when the very diſcharge of honeſty and integrity may be ſo accounted. *Manual concerning ſome priviledges of Parl.* p. 16, 17, *and* p. 60.

4. Thirdly, They who made uſe of this *Poſition*, did give the World ſufficient proof, that it was only a *deſigned pretence*, to ſerve a *preſent turn*. For when in our late ſad commotions, they uſed the Plea of

B.2.C.1. the *Kings Authority*, in acting againſt his perſon, before they had murthered his perſon; they then laid aſide alſo all pretence of reverent regard to the Kings *Authority*, and by ſeveral Acts as they were called, declare the *ſupreme authority of England* to be in the *Commons*, not at all regarding this Ideal Authority of the King; which if they had been true to their own notion, muſt have been acknowledged ſtill remaining. And they then required the *Engagement* to be taken, to be *true and faithful*, (not to the Kings Laws and Government, according to their own Idea, but) to *the Common-wealth of England, without King, &c.* Which is evidence enough, that thoſe men intended as much to act againſt, and oppoſe the true *Regal dignity* and authority, as the perſon of that excellent Prince: and that this diſtinction was not only void of *truth and juſtice* in it ſelf, but of *honeſty* and good meaning alſo, in theſe contriving men, who were the maintainers of it.

Acts May 19. 1649. and of Treaſon, July 27. 1649.

Engagem.

Taking Arms againſt them who are Commiſſionated by the King unlawful.

5. The laſt part of this Clauſe of the acknowledgment, hath reſpect to them who are *commiſſionated by the King*: the ſenſe of which muſt be meaſured from the intent and tendency thereof, which is to ſecure the *Kings ſafety*, and Government, and to maintain the Subjects *true allegiance*

ance and fidelity. And therefore I doubt not to aver, that the uſe of quirks and niceties, in ſuppoſing ſome *extraordinary Caſes*, which are inconſiſtent with theſe duties, and which we may well preſume or hope may never be in act, ought not to be conſidered in making this acknowledgment. Wherefore to ſuppoſe that the perſon of any King of *England*, ſhould be violently *ſurprized* and ſeiſed by any ſeditious, and ill-deſigning men (which I truſt will never come to paſs) and they ſhould by force or fraud, *extort Commiſſions* from him, againſt his loyal Subjects and Friends: this acknowledgment concerning the *ordinary duty* of Subjects, doth not take in ſuch *extraordinary fictions* of imaginary Caſes, which are not fit to be ſuppoſed; but they who are the Kings regular Officers, ought to reſiſt ſuch evil men who *offer violence* to his perſon, for the good both of the King and Kingdom. Sect. 3. Manual. p. 102.

6. And alſo that Caſe which ſome put, of the King granting a *Commiſſion*, againſt the legal power which he hath *committed* to a *Sheriff*, or againſt any other Commiſſion, which himſelf hath given, and doth continue to other Officers; is ſuch an unreaſonable and undutiful ſuppoſition of *croſs Commiſſions*, which no good ſubject ought to make, or to conſider in this

B.2.C.1. *acknowledgment.* Only in such an extraordinary Case, where any persons whosoever in any Office or Commission, shall become Authors or Abetters of *Sedition or Rebellion*, and oppose the *Kings Authority* and Government, it is reasonable to be expected that the King will grant *Commissions* to suppress and reduce them. And since no Office or *Commission*, either can, or is intended to warrant any man to act against his *Loyalty* and Allegiance; such revolting Officers ought to be *opposed* by them, who are impowered and commanded by their Prince so to do, nor is it to be supposed, that this *acknowledgment* doth at all assert the contrary. But the true sense of this clause is, that it is a *traiterous design* and therefore to be *abhorred*, for the Kings Subjects, without any *command* from their Prince, to *take Arms* against those, who act by vertue, and in pursuance of his *Commission*, regularly granted to them. And that these words of this acknowledgment, may be reasonably taken in this fair and *just sense*, is evident from the result of what I have above discoursed, concerning the sense and *interpretation* of such publick Declarations.

B.1. Ch.6. Sect. 1.

7. And it was reasonable for the avoiding evasions, that this acknowledgment, condemning

condemning the *taking Armes* againſt them who are *Commiſſionated* by the King, ſhould be declared in ſuch general termes. If only taking Armes againſt the *Kings perſon*, ſhould be diſclaimed in a ſtrict ſenſe, then the *fighting* the *Kings Armies*, deſtroying his Subjects, *reſiſting* his Government, and thoſe who are inveſted with his Authority, which are the uſual methods of the moſt open and *daring Enemies*, would not be provided againſt. But theſe are the higheſt *oppoſitions* againſt the King, which the moſt diſloyal Subjects can ordinarily make, by taking up *Armes*; who cannot probably act immediately againſt his *perſon*, unleſs they can firſt vanquiſh thoſe *loyal ſubjects*, who are his *ſtrength and defence*. Biſhop *Latimer* tells us, that when he was in the *Tower*, a *Lord* who had been engaged in *Rebellion*, told him, *If I had ſeen my Soveraign Lord in the Field againſt us, I would have lighted from my Horſe, and taken my Sword by the point, and yielded it into his hands.* To whom the Biſhop replied, It hath been *the caſt of all Traitors, to pretend nothing againſt the Kings perſon: ſubjects may not reſiſt any Magiſtrate, nor do any thing contrary to the Kings Law.* And the Imperial Law declares, that all and every of them, are *Rebels*

Sect. 3.

Fourth Sermon before King Edw. 6.

B. 2. C. 1. Extravag. Hen. 7. Tit. 2.

Rebels or Traitors, who in any wise *publickly or secretly*, do the works of Rebellion, *against our honour*, or their *fealty*, and do enterprise any thing against the welfare of our Empire, *contra nos seu officiales nostros, in iis quæ ad commissum eis officium pertinent, rebellando*, by *rebelling* (or *taking Arms*) *against us*, or *our Officers, in those things which belong to the office committed to them.*

CHAP.

CHAP. II.

The Laws of Nature *and of general* Equity, *and the right grounds of* humane polity, *do condemn all ſubjects taking Armes againſt the Soveraign power.*

SECT. I.

The preſervation of peace *and common rights, will not allow Armes to be taken in a Kingdom, againſt the Soveraign Prince and Governour.*

1. THoſe *Laws* do carry along with them the ſtrongeſt obligation, which are not only eſtabliſhed by a *poſitive conſtitution*, but are alſo inforced by the common and neceſſary Rules of *juſtice*, *truth*, righteouſneſs, and order. For here is a joint tye from the Bond of *obedience* to Superiours, of *Religion* to God, and of the general Principles of *equity* and reaſon. Of this nature is the duty of *non-reſiſtance* againſt Soveraign Rulers, which our Laws eſtabliſh. And the doctrine of our Church doth ſo far aſſert this, that it was

Rules of common equity are againſt Subjects taking Arms.

Biſhop Ferne Epiſcop. and Presbyter. conſidered.

B.2. C.2. was truly affirmed by a reverend perſon, That *ſince the Reformation, it is now again current Epiſcopal doctrine, as it was always Apoſtolical, That Subjects ought not to reſiſt, nor can be diſobliged of their obedience to their Soveraign, upon any pretence whatſoever.* And that this is founded upon the neceſſary Principles of *equity*, and the Laws of nature and of civil Society, I ſhall now manifeſt.

Otherwiſe juſtice and peace cannot be ſecured by Government.

2. And I lay this down as an undeniable *Principle*, that in every civil Government, ſuch an authority muſt be acknowledged in the *ſupreme Governour*, as is neceſſary for the *adminiſtring juſtice*, ſecuring *property*, and the preſerving of *order*, peace, and quiet. For without this the *benefit* of Government and civil Society is loſt; and amongſt ſuch men, where honeſty and good Conſcience do not greatly prevail, we ſhould live as amongſt Wolves, in *conſtant danger* of having our rights or lives ſurprized. And where there are not ſuch advantages from Authority, according to the known expreſſion among the Jews, Pirk. Av. cap. 3. איש את רעהו חיים בלעו *a man would ſwallow up his Brother alive.* But if it be allowed lawful, for Subjects or inferiours upon *any pretence whatſoever*, to take Armes againſt their Rulers and Soveraign Gover-

Governours, neither *juſtice* nor *peace* can be ſufficiently provided for, by the authority of that Government. Sect. 1.

3. For if it be allowed lawful, for Subjects in any Caſe to *take Arms* againſt their Soveraign, this muſt include a right in them of *judging* whether their preſent Caſe be ſuch, in which they may lawfully *reſiſt* or no. Otherwiſe they muſt either have a general power of *reſiſtance* and taking Armes, without diſtinction of any Caſes; to aſſert which, would be all one as to declare them to be *no Subjects*, or under no Government: or elſe they muſt *reſiſt in no Caſe* at all. But to aſſert, that the people or inferiours, are of right *Judges* of the Caſes, in which they may *reſiſt* their Superiours, is as much as to ſay, they are bound to *ſubjection* only ſo far as themſelves ſhall think it fit; and that they may *claim an authority* over their Governours, and paſs *judgment* upon them, and *deprive* them of their dignity, authority and *life* it ſelf, whenſoever they ſhall think it requiſite and needful. But this cannot be otherwiſe than a foundation of great and general *confuſion* in the World. And as the general proceedings of *juſtice* are ſtopped, whileſt there is any open violent oppoſition to that power which ſhould adminiſter it; ſo the particular *deciſions* thereof

Subjects no fit Judges of their Superiours.

B.2.C.2. thereof muſt needs prove ineffectual, where the execution of them may be reſiſted by force, in any notable Caſe, concerning a popular perſon.

4. And beſides this, the *judgments* of the common ſort of men are ſo apt to be *impoſed upon*, and are many times ſo partially affected, and linked to that which they eſteem their *own intereſt*, that even under the beſt Government, they are frequently prone to conceive themſelves greatly injured, when they are not; and to make grievous *complaints* and out-cries againſt their Superiours, without juſt cauſe. It is truly ſaid in our Homilies, *Some Subjects or other miſlike even the beſt Government, and wiſh a change.* And it is rightly aſſerted by *Philo*, that even *plenty and proſperity* ſometimes diſpoſe the generality of men, to be *inſolent* againſt their Superiours, and their eſtabliſhed Laws. And where the perſons who promote theſe diſcontents are *popular men*, diſſatisfactions and unquietneſs of temper oft ſpreadeth more than can well be imagined: the minds of many men being enclined to *pity* and believe them, who complain of *injury* or hard meaſure; and in theſe circumſtances to join with them, as acting their *common intereſt*. And how *unſafe* all Government would be, and how unfixed and

Hom. againſt Rebell. Part 1.

Phil. de Vit. Moſ. l. 1.

Diſcontented minds are apt to be unquiet under the beſt Government.

and tumultuous a ſtate, the World is like to be in, if Subjects were in any Caſe, and upon any *pretence* allowed to take *Armes*, will appear by conſidering ſome *remarkable inſtances*, where (beſides what our own Nation may afford us) I ſhall mention two from the Holy Scriptures, as known and certain accounts of *matters of fact*. Sect. 1.

5. The firſt inſtance is concerning the *Government of Moſes*. He was *faithful* in all Gods Houſe, a man of ſingular integrity and meekneſs, and a great *friend* to *Iſrael*. His conduct over the Iſraelites was accompanied with various *miracles*, and admirable and extraordinary *deliverances* and preſervations, which they received under him. While he guided *Iſrael*, the dreadful *preſence of God* on Mount *Sinai* was manifeſted to them, and a conſtant *viſible Symbol* of his preſence was continued amongſt them. And the fame and honour of *Moſes* was ſo great, that even the Gentile Hiſtorians, in ſome after Ages, took conſiderable notice thereof, as hath been obſerved by *Joſephus*, *Euſebius*, and other ancient Writers. And at that time God had alſo ſignally teſtified his chuſing *Aaron* and his Family, to the Prieſthood, both by his eſpecial Command to *Moſes* concerning them, and by the *Fire*, which in the preſence

They were ſo under Moſes.

Joſeph. cont. Apion. l. 1. Euſ. pr. Ev. l. 9. c. 26.

B.2.C.2. ſence of all the people, came from *before the Lord*, upon the Altar and Burnt-Offering, at the firſt time of *Aarons* Miniſtration, *Lev.* 9. 24. Yet in this Caſe, *Corah*, *Dathan*, and *Abiram*, pretended themſelves *grievouſly wronged*, and appeared to plead the *Religious rights* of the whole Congregation, that they were *all holy* as well as *Aaron*, *Num.* 16. 3. and to defend their *civil privileges* againſt *Moſes*. Him as the Scripture intimateth, and *Joſephus* particularly expreſſeth, they accuſed of *tyranny*, and charged him with a deſign of *deſtroying*, and *ruining* the Congregation of *Iſrael*, *Num.* 16. 13. and that this was ſo apparent, that unleſs mens *eyes were put out*, they could not but ſee it, *v.* 14. And theſe unjuſt and unreaſonable *out-cries* were ſo taking, that preſently *two hundred and fifty Princes* of the Congregation, took part with theſe men, *Num.* 16. 2. and not long after, the whole body of the Iſraelites were *gathered againſt Moſes and Aaron*, *v.* 19. And as *Joſephus* repreſents it, they were taught by *Corah*, that it became them to *inflict puniſhment* upon ſuch perſons, who ſecretly deſigned their *deſtruction*, that ſo they might not ſuffer the *utmoſt violence* from them.

Joſ. Ant. Jud. l. 4. c. 2.

Ibid.

6. And it is wonderful to obſerve, how far

far these bold and confident Speeches and *popular pretences*, did prevail, even after *God* had manifested his *abhorrence* of them, by the dreadful judgment of the *earth opening its mouth*, and swallowing up *Corah* and his Company, *Num.* 16. 32, 33. and by the *fire* from the Lord, consuming the 250. *men who offered incense*, *v.* 35. For notwithstanding this, all the body of the *Israelites*, the very next day, justify the Plea of *Corah*, own those Rebels for the *people of the Lord*, charge *Moses* and *Aaron*, as being *guilty of their blood*, and again gather themselves together *against them*, *v.* 41, 42. And as S. *Austin* conceives (sutably to the tumultuous violence of their Spirits) they came with a resolution of putting them to *death*; saith he, *Totus populus contra Moysem & Aaron, ut sanguinis reos consurrexit, eosque in eorundem ultionem occidere voluit.* And all these transactions are the more to be admired, because they presently succeeded, after that sad *threatning* (and the Plague therewith) that their Carcases should *fall in the Wilderness*, and not *enter into the Land of Canaan*, *Num.* 14. 29, 30, 37. which judgment was denounced against them in part, because they would forsake *Moses*, and chuse them another *Captain to return to Egypt*, *Num.* 14. 4.

Sect. 1.

Aug. de mirabil. S. Scriptur. l. 1. c. 30.

B.2.C.2. 14. 4. and did then as *Joſephus* expreſſeth it, *revile* and *conſpire* againſt *Moſes* and *Aaron*. And if under ſo excellent a *Governour*, who had ſo highly *obliged Iſrael*, and done ſo much good for them, there were ſuch dangerous conſequences from the *people*, or men of a *popular ſtrain*, exerciſing a power of *judging* concerning a Caſe fit to warrant a forcible *reſiſtance*, this muſt needs be a *deſtructive principle*, if allowed, under the beſt Government in the World. This gave birth to ſo bad an undertaking as that of *Corah*, which was an enterpriſe ſo *heinous*, that beſides the ſevere cenſures of the *Scripture*, the Jewiſh *Talmud* reckons up the managers thereof, amongſt them who ſhall have no portion in the *life to come*.

Ant. Jud. l. 3. c. 13.

Sanhedrin. c. 11.

And in the time of David.

7. The other inſtance I ſhall give, is in the Government of *David*. He was peculiarly *choſen* of *God* to rule *Iſrael*, and known ſo to be; he was a man after Gods *own heart*, and in his Government over *Iſrael*, he *fed* (or ruled רעה) *them according to the integrity of his heart, and guided them by the ſkilfulneſs of his hands*, *Pſ.* 78. 72. He was alſo ſo potent and *victorious* over all his Enemies; and by reaſon hereof *Iſrael* in his time was ſo *renowned*, that *Maimonides* ſaith, their Conſiſtories would not *receive Proſelytes* in

in his Reign, becauſe they ſuppoſed it was the fear of his power, which induced them to pretend reſpect, to the worſhip of the *God of Iſrael.* Yet *Abſalom* by a popular carriage and *inſinuating words*, ſoon perſwaded the people they were greatly *injured* under the Government of *David*, and that no juſtice could be had, 2 *Sam.* 15. 3, 4. And *Joſephus* declares he complained much of the *Kings Officers*, that there were no good Counſellers about him. And hereupon almoſt all the Kingdom of *Iſrael* join themſelves with *Abſalom* againſt *David*, 2 *Sam.* 15. 12, 13, 14. *Ch.* 16. 18. *Ch.* 18. 6. and their Elders with them, *Ch.* 17. 15.

Sect. 1. Maim. in Iſſure Biah. Joſep. Ant. l. 7. c. 8.

8. And though this wicked attempt of *Abſalom* was *defeated*, and no leſs than *twenty thouſand men* ſlain therein in one day: yet while the people in their *diſcontent* and paſſion, took to themſelves a liberty to *take Armes* as they thought fit; it is remarkably obſervable, that no ſooner was this *rebellion* after *Abſalom* over, but upon ſome hot words between the men of *Judah* and the men of *Iſrael*, concerning the manner of their performing their duty to the King, *every man of Iſrael went up from* David, *and followed* Sheba *in a new Rebellion.* And though *Davids Conqueſts* had been very great over many Nations,

2 Sam. 20. 2.

B.2.C.2. (which ſome of the ancient Greek Hiſtorians gave an account of, as was obſerved by *Euſebius* from *Eupolemus*) neither the *ſplendour* of his Kingdom, nor the ſenſe of their *duty*, nor the bitter effects of their *former Conſpiracy*, nor the Kings *kindneſs* in receiving them again into his favour, could contain them under the bond of *Obedience*, and in the paths of Peace.

Euſ. Præp. Evang. l. 9. c. 30.

9. Now all this will manifeſt, how extremely *unſetled* any Government in the World muſt be, (and therein the authority of executing *juſtice*, preſerving *peace*, and conſerving all *rights* and properties) if it be once admitted, that Subjects when they ſhall *judge* it a Caſe of *neceſſity*, for the preſervation of the common good, may take *Armes* againſt their Soveraign. And therefore for the *ſecuring peace* and righteouſneſs, and the common rights and intereſts of all men, it muſt be acknowledged, that the *ſupreme Governour* hath ſuch an authority, that it is not *lawful* to take up *Armes* againſt him.

The ſenſe of Grotius concerning Subjects taking Arms.

10. Beſides theſe inſtances, I ſhall add the judgment of the learned *Grotius*, after his long and more mature conſideration of things. That worthy man in his Book, *de Jure Belli & pacis*, and in another Diſcourſe written in his younger time, did make uſe of ſome *unmeet expreſſions* and notions,

notions, and *unſound arguments*, too much tending to infringe the Authority of *Kings*, and to allow a power in the *people* in ſome Caſes of making *War* againſt them. But though he did not expreſly retract and alter thoſe things, yet in his Writings which he publiſhed after a greater experience of the World, he wrote at another rate, and falls in directly with what I have now aſſerted. Thus in his Commentaries upon S. *Matthew*, he ſaith, *If it be once admitted, that private perſons being injuriouſly dealt with by the Magiſtrate, may make forcible reſiſtance; all places would be full of tumults, there would be no force or authority of Laws or Judicatures, ſince there is no man who is not enclined to favour himſelf.* Sect. 1. Grot. in Mat. 26. 52.

11. And in his *Votum pro pace*, after he had paſſionately complained, of Armes being taken upon the pretext of Religion, he goes on, *Ego vero - - non tantum ſubditos ab armis arceo, &c. But I do not only forbid Subjects from taking Armes, but deſire that Kings who have that power given to them, would uſe it as ſeldom as may be.* After this *Grotius* relateth at large, and with approbation, the proceedings of the Univerſity of *Oxford*, about *Paræus* upon the *Romans*, with his allowance alſo of this their determination; *Subditos* Vot. pro Pac. ad Art. 16. Ibid.

B. 2. C. 2. *ditos nullo modo vi & armis Regi vel Principi suo resistere debere, nec illis arma vel offensiva vel defensiva, in causa Religionis vel alia re quacunque, contra Regem, vel Principem suum, capessere debere; That Subjects ought by no means to resist their King or Prince by force; nor ought they to take either offensive or defensive Armes, against their King or Prince, for the cause of Religion, or for*

Ibid. *any other thing whatsoever.* And then asserting the general rule of S. *Paul*, even against the Cases excepted by *Paræus*, that *whosoever resisteth the power, receiveth to himself damnation*, he addeth, If so many Exceptions of *Paræus*, *i. e.* undermi-nings of S. *Pauls* rule be admitted, *dico nullum imperium diutius in tuto fore, quàm donec talia sentientibus vires defuerint; I affirm, that no Government can be any longer safe, than whilst those who have such sentiments want strength.* And from hence it is manifest, that *Grotius* in his elder time, did disallow all *Subjects* taking *Armes* against their King, and accounted it wholly inconsistent with the peace, safety, and Government of the World.

The Royal Authority a legal right as well as the Subjects property.

12. And since it is part of the *Kings Royalty*, according to the *Laws* of this *Realm*, that none may take *Armes* against him;

him; all Subjects who expect to enjoy their own *legal rights*, are obliged to maintain this right of the King, by that great rule of Righteouſneſs and Religion, *as ye would that men ſhould do unto you, do ye alſo unto them likewiſe*, *Luk.* 6. 31. And this alſo is included in the *Oath of Supremacy*, wherein Subjects ſwear to maintain all *Authorities, granted or belonging to the Kings Highneſs, his Heirs and Succeſſors, or united and annexed to the Imperial Crown of this Realm.* And it is againſt all pretence of Reaſon, that the rights of *Superiours* which are the greateſt, and on which all *inferiour rights* have dependance, ſhould be leaſt regarded; as if it were fit that the intereſts of a *Child* or Servant ſhould be preſerved, and not thoſe of a *Father* or a Maſter. Sect. 2. V. Sanderſ. de obligat. Conſc. Præl. 10.

SECT. II.

Rights and properties *of Subjects may be ſecured, without allowing them to take Armes againſt their Prince.*

1. It muſt here be conſidered, as an objection and ſeeming difficulty, that ſince it is greatly neceſſary to the good of the World, that the juſt *properties of ſubjects* be defended, if it be once granted that they

B.2.C.2. they may in no Caſe take *Armes* againſt their *Soveraign*, how can theſe properties be ſecured? may they not then be *expoſed* to irreparable *injuries* and the utmoſt preſſures? and if a Prince will exerciſe an *unlimited power*, where is there help and redreſs? Now in anſwer to this I premiſe, that the principal care which muſt be taken, for providing for the preſervation of the *rights of ſubjects*, is not on that part which concerns the *defending* them againſt their *Prince*, but rather againſt the violence of other *injurious perſons*, which is done by the great Authority of *Government*, and the due execution thereof. For as in a *Family*, the main thing deſigned in the Government thereof, is not that *Children* may be ſecured from receiving any injury from their *Father*; but rather that for their own quiet and good order at home, and their honour and ſafety abroad, they *ſubmit* without gain-ſaying and reſiſtance to his Government, and thereby receive *protection* from the injurious dealings of others: ſo Gods providence for preventing the greateſt *dangers*, of violence of men one towards another, hath eſtabliſhed the Authority of *Rulers*, as a *defence* againſt them. And therefore ſuch perſons who ſay, *a people cannot ſo readily deſtroy themſelves* (*viz.* if they have no

The Authority of Rulers is the defence of the people and their ſecurity.

Rutherf. of *Civil Polity. Qu. 9.*

no Governour, or caſt him off) *as one man may*; ſpeak falſly and raſhly againſt the *wiſdom* of God and his *Ordinance*, and againſt the *common ſenſe* of the World: as if Rulers were not *Miniſters of God for good* to men, and as if it would be better for the World to be without them, (whom all Nations have found neceſſary) and conſequently without *peace*, *order*, and *juſtice*. Sect. 2.

The ſecurity for the Subjects rights.

2. And as the Governours men live under, are their *defence*, from the violence and injuries, which may be ſuſtained from other men: ſo there is great *ſecurity* for Subjects, without their taking *Armes*, that their rights and properties ſhall not be *violated* by their *Prince*, which I ſhall manifeſt, with a particular reſpect to our *Engliſh Government*. Now amongſt the grounds of this ſecurity, the Principles of *Conſcience*, which lay a great and moral obligation upon the greateſt perſons in the World, not to be injurious to the meaneſt, and the watchful *providence of God*, who unleſs it be for the puniſhment of the grievous ſins of a people, doth not ſuffer them to be afflicted and oppreſſed, are conſiderations which are not in this Caſe to be over-looked. But there are two things which I ſhall chiefly inſiſt upon.

3. Firſt,

B. 2. C. 2. *From the Laws.*

3. Firſt, they have the ſecurity of good and *wholſome Laws*, fixed with us by general accord, of King, Lords and Commons. And that Laws were *originally eſtabliſhed*, that right and juſtice might thereby be impartially adminiſtred to every man, is reaſonably declared by *Cicero*. And it is a great priviledge in this Realm, that both *civil rights*, and matters of *Religion*, are eſtabliſhed by our *Laws*; and that no Law can be made or *repealed*, nor publick moneys *raiſed*, but by conſent of the Commons, by their repreſentatives. And ſomewhat a like form for the *Enacting Laws*, was reſolved on as a moſt Excellent method, by the Emperour *Theodoſius*. And ſince no deſign can be managed to defeat *legal rights*, but the *inſtruments* therein muſt be *private perſons*; every one of theſe may be called to an account, and ſuffer their deſerved *puniſhment* by the juſtice of the Law. And this is a like ſecurity to that, which may be had againſt the *meaneſt Subject* in the Realm, if he be the *ſtronger man*, or get an advantage whereby he is able to do another a miſchief. And it is here worthy to be noted, that whereas many plauſible *notions* and pretences, when they are reduced into practice, fall ſhort of accompliſhing what was expected, by their propoſal in the *Theory*;

Cic. de Offic. l. 3. & de leg. l. 4.

Cod. l. 1. Tit. 16. leg. 8.

Theory, the benefit of the protection, which Subjects enjoy from *the Law* is such, that for divers Ages past in many hundred years, the general rights and *properties* of the *people of England legally established*, have thereby been excellently *preserved*. And the like may be asserted concerning many other parts of the World: and therefore they who will dispute against this provision, must dispute also against the evidence of sense, and of a long continued *experience*. Sect. 2.

4. But because jealous and *suspicious minds* may possibly suppose, that at one time or other a Prince having the authority of *administring justice*, and appointing Judges and Officers in his Kingdom, may design to *destroy* his Subjects *rights and property*, and thereby the fruitful inclosures of their civil interests may be laid wast, and all respect to Laws utterly laid aside; I shall take these suspicious jealousies into consideration. And here we must all grant, that the state of *this present World* is such, that at the best it is not above all instability, uncertainty and danger. And I shall in the next Section shew, that there is much more cause of jealous fears, of Subjects *losing* their legal *rights*, by granting, than by denying them liberty *to take Arms*. But I here desire the Reader Naz. Orat. 19.

B. 2. C. 2. der impartially to consider, that there are as great *improbabilities*, of any such Case as is proposed ever happening, under any Prince who hath a *just right* to the Crown, as things of this World can admit: and if any such should possibly happen, the second consideration which I shall propose for the Subjects security, will shew a way of *help* and redress therein.

5. How little foundation there is, for nourishing the *jealousies* expressed in this supposition, may in part be discerned by looking backwards. And in turning over the *Annals* and Chronicles of many Ages, no such thing doth appear to have been undertaken by any *English Monarch*, to *enervate* and make void the force of *all laws*, and the rights founded upon them. And the most that was ever done to this purpose, was by them who under a pretence of *liberty*, did take *Arms* against the King, or forcibly prosecuted an opposition to his *Government* and Authority: when great numbers were illegally *deprived* of their Lives or Estates, *sequestred*, *decimated*, and suffered many other injuries.

6. But if we look forward, no such supposition can be admitted, but it must require a Concurrence of all these strange things. 1. That all the *subordinate Rulers*

lers and Miniſters of juſtice in the Realm, Sect. 2.
muſt conſpire againſt their *Conſciences*, the *Law*, and their *Oaths*, either out of choice or fear, to *pervert juſtice*, and to caſt off all pious ſenſe of God thereby, and all care of their own Souls. 2. That ſuch a *Prince* muſt have no reſpect, either to *God*, or to his *own intereſt* and honour abroad, or *ſafety* at home; which under God conſiſteth in the flouriſhing eſtate, and good affection of his Subjects. For where *Laws* are in any high meaſure *violated*, and proſtituted by the Governours, and general *injuries* thereby ſuſtained by the Subjects; ſince Mankind is not only led by reſpect to *duty*, but alſo to *advantage*, ſuch Subjects may be backward in *defending* that Prince againſt thoſe who oppoſe him; which was the Caſe in which *Nero* was generally *forſaken* by his Roman Subjects, and put upon *deſtroying himſelf*, to avoid that *ſhameful death*, to which he was *ſentenced* by the Senate. Yea ſuch a Prince hath great reaſon to ſtand in fear of his own *Confidents* and inſtruments; for ſince they muſt be men of *no Conſcience* and fidelity towards God, it may well be expected, according to the determination of *Conſtantius* the Elder, that they will alſo prove *unfaithful* to their *Prince*, if they can thereby propoſe a way to *advance* or better

Aurel. Vict. in Nerone. Suet. in Nerone, n. 47. Tacit. Hiſt. l. 1.

Euſ. de Vit. Conſt. l. 1. c. 11.

B. 2. C. 2. better themſelves. And ſuch *inſtruments* may ſee cauſe to nouriſh *fears*, that where *injuſtice*, violence, and cruelty, are frequently exerciſed, they may upon ſlight occaſions, expect a time when their turn to *ſuffer their part* will be the next: and this was the occaſion of the Death of *Commodus* the Roman Emperour, who was firſt *poyſoned*, and then *ſtrangled*, by the contrivance of ſome who had been his great *Favourites*, that they might ſecure their own lives which they diſcovered were ſuddenly like to be taken away. And from this it may appear, that there was juſt reaſon for that obſervation of *Xenophon*, that *tyrannical Governours* are under greater *terrours*, and have more reaſon of fears at all times, than men ordinarily have in *War*, becauſe they have not only reaſon to be afraid of their *profeſſed Enemies*, but of thoſe whom they account their *friends* and *defence*. And *Hieronymus Oſorius* obſerveth not without reaſon, that in ſuch perſons the *ſtings* and frequent laſhes of their own *Conſciences*, and ſome inward, though unwilling *dread of God*, beſides other fears and jealouſies, make their ſtate ſad and miſerable. Wherefore though *Uſurpers* having no right, may account it their beſt and ſafeſt contrivance, to lay their foundation in *force* and violence, until

Herodian. l. 1.

Xenop. de Regn. p. 911.

Oſor. de Reg. Inſtit. l. 8.

until they think themſelves otherwiſe ſecure; this is ſo greatly oppoſite to the *intereſt* of a *rightful Prince*, that if he be a perſon of any reaſon in the World, he muſt needs reject it. 3. It muſt alſo be ſuppoſed, that all thoſe who act as inſtruments in ſuch *oppreſſions*, muſt be devoid not only of the ſenſe of God and good Conſcience, but alſo of *humane cautionſneſs*. For if ſuch an imaginary Prince ſhall have his Conſcience awakened to *repentance*, or ſhall conſult his own *honour*, or elſe ſhall *end* his dayes, (as his breath is in his Noſtrills) all ſuch perſons are then accountable to the ſtrict judgment of the *Law*, and being Enemies to the *publick good*, have little reaſon to expect *favour*. Sect. 2.

The ſecurity of Subjects from Gods governing the World.

7. The other ground of *ſubjects ſecurity* though they may not take *Armes* againſt their Soveraign, is from God being the *Judge* and Governour of the World. Shall it be thought a ſufficient reſtraint, to the exorbitancy of a *Fathers power* over his Children, that if he becomes unnatural, the *earthly judge* can both vindicate them and *puniſh* him, though Children be not allowed, when they think fit, to beat and kill their Father? and ſhall not the *judgment* and authority of God over Princes be thought valuable and conſiderable, though he is more *righteous* and more

able

B.2.C.2. *able to help* the oppressed, than any Judge upon Earth? And the *judgments of God* have been especially remarkable in the World, against such *Princes*, as have either designed the *subverting* the Laws of common *righteousness*, or have set themselves in defiance against the *true Religion* and worship of God. The Ecclesiastical Historians, and Fathers who write of the Death of *Julian*, which was in the second year of his Reign, in his Expedition against the Persians, do all agree that the θεομηνία, or *divine vengeance* ordered his Death; and that he who did effect it, whether *Man*, *Angel*, or *Devil* (for by several Writers it hath been referred to all of these) was θείου νεύματος ὑπουργὸς, *one subservient to the divine pleasure.* And some of these Writers say, that himself dying did express so much, and S. *Hierome* declareth, *Christum sensit in Media, quem primum in Gallia denegârat.*

Socr. l. 3. c. 21. gr. Theodor. l. 3. c. 20. Sozom. l. 6. c. 1, 2. Naz. Orat. 4, & 21.

Hieron. ad Heliodor. c. 8.

8. When the horrid *impieties* against the God of *Israel*, and dreadful *cruelties* against the Jews, of *Antiochus Epiphanes* a puissant Prince, had increased to a strange height, he was at last upon a *defeat* given to his enterprises, struck even to *death* with inward *terrour*, and the affrighting perplexities of his own *Conscience*. And he then could not but acknowledge, that his

his own *injuſtice and cruelty*, and his pro- Sect. 2.
faning the Temple, were the cauſes which 1 Mac. 6.
brought upon him this ſad trouble and ſor- 8. – 13.
row: adding with reſpect thereunto, ἰδὲ ἀπόλυμαι λύπῃ μεγάλῃ ἐν γῇ ἀλλοτρίᾳ, *and behold I periſh by great grief in a ſtrange Land.* So alſo *Naboths* injuries were re- 2 Kin. Ch.
veriged upon *Ahab*, and the *Gibeonites* 21, & 22.
upon *Saul*. And to take notice only of 2 Sam. 21.
ſome of the laſt *Perſecutors* of Chriſtianity, 1, 2, &c.
in whom irreligious *defiance* of the true *God* and his Religion, and inhumane *cruelty* towards men did meet together: The ſevere judgments which befel *Decius* and *Valerianus*, who were the Authors of the two laſt perſecutions before *Diocletian*, are obſerved by *Conſtantine*, that the Conſtant.
former was vanquiſhed and ſlain in *Scy-* Orat. ad
thia, with great *ſhame* and diſhonour to Sanct.
himſelf and the Roman power; and the Cœt. c.
latter was taken Captive by the *Perſians*, 24.
and there *flayed*, and then being ſalted or dryed, was preſerved among them as a *Trophy*.

9. When *Diocletian*, *Maximianus Herculius*, and *Galerius Maximianus*, not only raiſed a cruel *perſecution* againſt the Chriſtians, but arrived to that height of *contempt* againſt Chriſt, and oppoſition of his Religion; that they erected Pillars, with inſcriptions concerning their Reign,

B. 2 C. 2 Baron. an. 304. n. 8. *nomine Chriſtianorum deleto*, and *ſuperſtitione Chriſti ubique deleta*, the *name of Chriſtians being extinct* by them, and the *ſuperſtition or Religion of Chriſt utterly deſtroyed*; the two former of them finding themſelves defeated, by the ſucceſs and increaſe of the Chriſtian Religion, in a ſhort time being overcome with *grief and anguiſh*, deſerted their *Imperial dignity*. And *Diocletian* after many years of retired ſorrow and *diſcontent*, was ſtrucken with an extraordinary loathſome and miſerable Diſeaſe, attended with blindneſs. And *Maximianus Herculius* ended his own dayes by the ſhameful Death of an Halter.

Euſ. Hiſt. l. 8. c. 29. Baron. an. 316. n. 2. Euſ. ibid. & c. 25 gr.

10. *Galerius Maximianus* was ſmitten with ſuch noyſome Ulcers, and multitude of Wormes, in all parts of his Body, as rendred him a dreadful ſpectacle and loathſome unto all. Of whom *Euſebius* tells us, that he therein acknowledged the *ſtroke of Gods vengeance*; and *Oroſius* reports, that after many Phyſicians had been put to Death, becauſe they afforded the Emperour no relief, he was at laſt told by ſome of them, *Iram Dei eſſe pœnam ſuam, & ideo à medicis non poſſe curari; that ſince the wrath of God had inflicted this puniſhment upon him, Phyſicians could give him no cure.* To theſe I ſhall only add

Euſ. Hiſt. l. 8. c. 28, 29. & de vit. Conſt. l. 1. c. 50. Oroſ. l. 7. c. 28.

add the inſtance of *Maximinus*, who was an Emperour of the ſame ſpirit and temper with the former; was Contemporary with *Galerius Maximianus* for ſome time, but ſurvived him a few years. He is noted by *Euſebius* to have been one of the worſt *Enemies* to Chriſtianity, and alſo to have been charged with *tyranny*, by the publick Edicts of the other Emperours. And he was ſo ſmitten by the hand of God, that he became blaſted, his Viſage changed, and his whole body parched and dryed up, like a Sceleton, or an Image: and he who made a Law that the *eyes of Chriſtians ſhould be pulled out*, and executed it upon multitudes of Men, Women, and Children, his own Eyes alſo fell out of his Head, and himſelf was made ſenſible, that it was the *ſtroke* of *Gods* hand. And theſe ſenſible tokens of *divine juſtice* wrought a mighty change in the Roman Empire, for the *ſafety* and *advantage* of them who piouſly ſerved God. Sect. 2. Euſ. Hiſt. l. 9. c. 10, 11. gr. De Vit. Conſt. l. 1. c. 51, 52.

11. And it ought to be a *check* to the paſſions of the greateſt men, and a ſupport to the ſtate of the meaneſt, that God not only executeth *judgment* in another World; but doth *govern* this, and when he ſees it meet, will ſtand up to *avenge* the injured, and *puniſh* the evil doers. Wherefore it was a pious admonition to

B. 2. C. 2. the Emperour *Frederick* the Firſt, by his Uncle, *Otho Friſingenſis*, who tells him, that Kings are reſerved only to the ſcrutiny and judgment of God; and then adds, that according to the Apoſtle, *it is a fearful thing* for every man, *to fall into the hands of the living God*, and particularly for Princes, who have none other above them, whom they muſt fear. And it is a good and loyal reſolution for a ſubject to take up, if ever he ſhould live under an *unjuſt Prince*, that he will embrace the temper of *David's* Spirit, in his words concerning *Saul*; *The Lord ſhall ſmite him, or his day ſhall come to die, or he ſhall deſcend into the Battel and periſh; the Lord forbid that I ſhould ſtretch forth mine hand againſt the Lords anointed:* provided that ſuch expreſſions be not uſed, as an *imprecation* of evil, but as an acknowledgment of Gods Soveraignty, and a patient committing himſelf to him, ſtill keeping to the practice of that Chriſtian Rule, *Pray for them which deſpitefully uſe you and perſecute you, Mat.* 5. 44.

Otho Friſing. Epiſt. ad Frider. Oenobarb.

1 Sam. 26. 10, 11.

SECT.

SECT. III.

The condition of Subjects would not be the better, *but the* worſe, *if it were lawful for them to take Arms againſt their Prince.*

1. That the putting into the hands of Subjects an authority of taking *Armes*, would be a *diſadvantage* to themſelves, and prejudicial to the common intereſt of Mankind, I ſhall evidence by four Conſiderations. *A liberty of taking Arms hurtful to ſubjects.*

Conſ. 1. From the great *miſchief* their lives and rights, and future intereſt muſt be expoſed unto, by frequent Civil Wars, the natural effect of Subjects taking Arms. Let ſearch be made into the *Annals* of the World, whether the *properties* of Subjects, and the flouriſhing Eſtate of Kingdoms, have not been much better preſerved by *peaceable obedience* and ſubjection, than by the fomenting *Civil Wars* and Inſurrections. The Conſpiracies of *Abſalom*, *Sheba*, and others ſuch like, were not the honour or advantage of them who were engaged in them. And while ſuch *commotions* continue, little *ſecurity* can be *promiſed* either of mens Lives or Eſtates, further than the ſtrength of a *1. By the frequent miſeries of Civil Wars.*

B.2.C 2. *Fortreſs*, or the ſecrecy of an *hiding place* will extend. And if in the reſult the *conſpiring party* ſhould prevail, and fix themſelves in the ſupreme Government, the admitting this Poſition of the *lawfulneſs of Subjects taking Armes*, will be apt to put other unquiet and ambitious ſpirits, upon following their example, and endeavouring under the fair pretences of *Religion* or *liberty*, or doing *juſtice*, to undermine ſuch prevailers; and by this means the Common-wealth is like to be *expoſed* to the ſaddeſt Calamities, and to be brought to *ruine* and deſtruction.

2. Of this I ſhall give a known inſtance, concerning the Kingdom of *Iſrael*, to-
2 Kin. 15. wards the end of that Kingdom. Then the practice of *taking Armes* againſt the *King*, who was poſſeſſed of the Throne, was very frequent, inſomuch that in the ſpace of little more than thirty years, four of them were *aſſaulted* by force, overcome and ſlain; and two of them in one
Salian. An. m. 3264. n. 1. year, which *Salianus* obſerved as an ill *omen*, giving indication of the fall of that State and Government; *Tres hoc anno in Iſraele Reges, magnum collabentis Reipublicæ argumentum.* During this time there was *uſurpation upon uſurpation* in that Kingdom, and every one of the ſucceeding Uſurpers had this Character, that

he

he did that which was evil in the ſight of the Lord. And ſuch Calamities then befel that Kingdom, that during this time, in a chief ſeat of theſe Wars, all the *Women with Child were ript up:* and this Kingdom being greatly *weakened* by its home diviſions, was in that compaſs of time, twice *invaded* by Foreign Enemies; at the firſt time it was forced to pay a very great *compoſition*, 2 *Kin.* 15. 19, 20. and at the ſecond time a great part of the Kingdom was *loſt*, and the Inhabitants carried Captive, *v.* 29. And in the Reign of *Hoſhea* who was the laſt of theſe Conſpirators, the Kingdom of *Iſrael* became firſt *tributary* to *Aſſyria*; and ſoon after in his Reign, was the utter Captivity and ruine of the ten Tribes, and the *total ſubverſion* of that Kingdom: and this as *Joſephus* accounts it, was the end of thoſe *Iſraelites*, *a Kingdom divided againſt it ſelf being brought to deſolation.* So that if *peace*, ſafety, and *proſperity*, be deſireable to a people, the *violent reſiſtance* of ſuperiours muſt be *hurtful* to them.

Sect. 3.

2 Kin. 15. 16.

Joſep. Ant. l. 9. c. 14.

3. And if we reflect on the ordinary *effects* of ſuch undertakings, for ſome few inſtances, where the people did by Armes aſſert themſelves into *liberty*, from injurious oppreſſions (which things our *Engliſh conſtitution* doth excellently, and ef-

B.2.C.2. fectually provide againſt) divers inſtances may be given, where *divine providence* hath wrought *deliverances*, for them who diſcharged the duties of obedience; and many others of great *devaſtation* and ruine, which hath been the conſequent of ſuch enterpriſes. And the *tragical relations* which have attended Rebellious takeing Armes in the *ancient Empires*, and more lately in the *Eaſtern* and *Weſtern Empires*, in *Germany*, *France*, *England*, and other Countries, might fill Volumes with a ſad account of heavy Calamities, cruel Sufferings, and wicked practiſes.

2. *By Authority becoming thereby ineffectual to its neceſſary ends.*

4. *Conſ.* 2. It is the neceſſary *continual intereſt* of Subjects, that ſo great a *power* be in their Soveraign, that none in his Realm may *withſtand* his authority. This is conſequent upon what was proved in the firſt Section. And if any Prince ſhould allow his Subjects, when they think it neceſſary to take *Armes* againſt him, (which it cannot be his wiſdom to do) the Subjects would have a greater *loſs* than gain thereby. For inſtead of gaining that, which ſilenceth their *ſuſpicious fears* of their Princes power, whoſe intereſt it is to *defend* and preſerve them; they loſe the *conſtant advantages* of his Government; ſince *juſtice* cannot be in all Caſes ſo effectually adminiſtred, nor *peace* ſo ſurely preſerved.

preſerved. And upon this very account, they have much more cauſe for frequent *fears* of ſuffering greater evils, from the miſchievous deſigns of *uſurping ſpirits*, who coming like empty and *hungry flies* upon a ſore, (to which they have ſometimes been compared) σφόδρα ὀδυνηλήσει, *They will grievouſly torture.* Now it is highly imprudent, to ſeek a remedy for a *poſſible inconvenience*, which may be otherwiſe prevented, by procuring a more *certain miſchief.* As if all the ſtrong men in a Nation ſhould have their ſinews cut, leſt they ſhould hurt the weak, whom the Laws defend; though thereby the Realm be left without any men of might to oppoſe its Enemies.

Sect. 3.

Theodor. Metochit. Hiſt. Rom. à Jul. Cæſ.

5. *Conſ.* 3. It is chiefly to be obſerved, that unleſs all things be in utter *confuſion* and Anarchy, it is not poſſible but that there muſt be acknowledged ſuch an *authority*, which none have power of *reſiſting*; but this can no where be ſo well placed, for the *ſubjects intereſt*, as in their *Soveraign Prince*, and ſupreme Governour. Wherefore to give place at preſent to fiction and imagination, concerning any poſſible *forms of Government*; it is all one to aſſert, that there muſt ſomewhere be fixed ſuch an *authority*, againſt which none hath power of *taking Armes*, and to aſſert that there

3. *Becauſe there muſt ſtill at laſt be owned a power that may not be reſiſted.*

B.2.C.2. there muſt be in one or other ſome *chief authority*, which hath the *higheſt command* of the ſtrength and *Military force* of a Nation. For whoſoever hath this authority, all the *military power* ought to be *ſubject to him*, and none hath any right of commanding it *againſt him*. But unleſs it be admitted, that this *commanding power* is placed in ſome perſon or perſons, the Military power muſt be under no *Governour*, nor can Subjects know whom to *obey* with reſpect to *Peace and War*. Now this power of the *Militia*, muſt either be placed in the *King* (as our Laws abovementioned declare it is in this Realm) or elſe either ordinarily, or in ſome certain Caſes, in ſome other *ſingle perſon*, or *Senate* and Company of men, or in the whole body of the *people*, or in ſo great a number as will repute themſelves to include the whole. And the allowing this *power* to any of theſe laſt mentioned, is lyable to as great or greater danger than the firſt.

Ch.1.Sect.2.n.12.

This is more dangerous to the people, to be in any other than their Soveraign.

6. To place any ſuch *power* over the Military Force of a Nation, in any *perſon* or perſons, who are not the ordinary *ſupreme Governour*, is a thing can ſcarce be ſuppoſed; becauſe the giving them this authority, is the giving them power to *execute ſupremacy* of Government, when they

they think it fit. But if ſuch a ſuppoſition be made, this muſt needs cauſe conſtant *jealouſies*, between the ordinary ſupreme Governour and them, and thereby that Nation and Government muſt be under much *unſettlement*. And there is greater danger of this power being exorbitantly *abuſed*, by ſuch perſons who may be tempted to affect their own further *advancement*; than there can be in him who is already *ſupreme*, and whoſe intereſt it is to preſerve the *liberties* of his people. Sect. 3.

7. If a *Senate* ſuppoſed to have this power, ſhould become Patrons of *injuſtice*, and oppoſers of known *legal rights*; and the ſame Company of men have alſo authority of making *laws*, and raiſing *moneys*, it is not eaſy to know how far the ill conſequences of this may extend. For then they are put into the fulleſt capacity of *oppreſſing* innocent perſons, and depriving them of Eſtate, Liberty, or Life, and of ſerving *private intereſts* of themſelves or a party, and even of *eſtabliſhing iniquity by a law*. And he that thinks that no ſuch thing may be ſuppoſed, that the major part of ſuch a *Senate* may be either ſo formed, or over-witted, or over awed, as to comply with *unjuſt attempts*, is a ſtranger to the proceedings in *England*, from 1640. till 1660.

8. If

B.2. C.2. 8. If it ſhould be ſuppoſed, that the chief *power of the Sword*, and of commanding the *military force*, ſhould be in the *whole body* of the people, or the *major part* of them, this muſt include the greateſt inconvenience of all the other. Now though this ſuppoſition, amongſt other things wherewith it is chargeable, is *impoſſible*, becauſe the whole body of the people of a great and populous Kingdom, cannot *meet* together, or *conſult* and adviſe with one another, and therefore can give no *commands*; yet in our late diſtracted times, there were ſome who embraced this aſſertion. In *England* ſeveral Pamphlets from them, who allowed the *Parliament* to have power to *levy War* againſt the *King*, did declare that the Parliament having *their power from the people*, the people might call them to *an account*. And Mr *Rutherford* alſo allowed, that the people might reſume the power they gave to *Commiſſioners of Parliament*, when they abuſe it, and may *reſiſt them, and denude them of their fiduciary power*; as the *King may be denuded of that ſame power* by the three Eſtates. To ſuch extravagant exceſſes have mens *ungoverned* heats, and paſſions hurried them! But this ſuppoſition is a foundation of *confuſion*, and is not conſiſtent with the people having any

Gangr. Part. 1. p. 33.

Ruth. of Civil Polit. Qu. 15. p. 152.

any *Governours* over them to command them, and thereupon would lay aſide Gods Ordinance of Rule and Government. It is alſo ſo oppoſite to *Peace*, that it is the direct way to put the multitude upon *inſurrections*, and would turn the World into a diſorderly Wilderneſs. And it is *dangerous* to the ſtate of the World, and to all good ſubjects, both becauſe it is unpeaceable; and becauſe there can be no ſecurity given, that the *major part* of the body of a people, who are eaſily *impoſed* upon at ſome times, ſhall not incline to any ill deſign, as they evidently did in the inſtances of *Corah* and *Abſalom*, beſides others nearer home; and alſo becauſe raſh and ill actions, when managed by the body of the people, are ſo much the worſe, becauſe they are uſually attended with *violence* and *fury*, like the over-flowing of Waters. Sect. 3.

9. Wherefore ſince there muſt ſome where be placed ſuch a *ſupreme power*, as hath the higheſt right to *command* the force of a Nation, and by conſequence none can command it, or any part of it againſt that power; this from what I have diſcourſed, cannot with ſo much *ſafety* to the *people* of this Realm, be fixed any where elſe as in the *King*, according to the excellent conſtitution of our Laws and Government.

B.2.C.2. vernment. For as *Royal Government* is free from that heady *diſorder*, which attends popular motions; ſo the rule of its exerciſe is thoſe *laws*, which are not eſtabliſhed without the conſent of the *people*.

Plat. in Politic. verſ. fin. Upon this account *Plato* when he had viewed the various *ſpecies* of Government, declared that that which was beſt of all was, Μοναρχία ξυνθεῖσα νόμοις, *Monarchy coupled with Laws*.

4. *From the inſufficiency of the pretended ſecurity againſt theſe evils.*

10. *Conſ.* 4. If it were granted, that *people* had power to *take Armes*, but not in any other Caſe, ſave in the *higheſt oppreſſions*, and utmoſt extremities; this reſtriction with reſpect to the Caſe, would be of very little uſe, for the *Peace* of the World, and the avoiding the inconveniencies and miſchiefs above expreſſed. For the inſtances in the firſt Section, and the experience of this Kingdom, and many others, teſtify how apt many people are, to be decoyed into *groſs miſtakes* in this Caſe, and to be abuſed and miſled by fair ſpeeches of *diſcontented* and aſpiring men; and to draw up ſuch *heavy charges* againſt excellent Governours, as to conclude their *ruine* and deſtruction to be deſigned, where there is not the leaſt intention for their *hurt*. And beſides that groſs *falſhoods* may eaſily paſs with the credulous vulgar *undetected*, it is an eaſy thing

thing to perſwade many of them, when the *ill actions* of any men, living under the Government are manifeſted, to account theſe to be the faults of the *Rulers*, who did not *prevent* or *reſtrain* them: whereas it is no doubt a great truth which was aſſerted by Biſhop *Saunderſon*, that in the beſt conſtituted Common-wealths, there are *Gravamina non pauca, not a few things amiſs, which the utmoſt care and induſtry of Rulers, and the ſeverity of the Laws, is not ſufficient wholly to prevent or cure.* Sect. 4. Sanderſ. de oblig. Conſc. præl. 10. n. 7.

SECT. IV.

The Plea, that ſelf-defence *is enjoined by the Law of nature, conſidered: and of the* end *of Soveraign power: with a repreſentation of the pretence, that Soveraign Authority is in Rulers derived from the* people, *and the inference thence deduced examined.*

1. It is certain that prudence and the Laws of God and Man, oblige every man to take juſt and due care of his *own preſervation:* but yet there have been ſome who under the ſpecious appearance of pleading for *ſelf-defence*, have run into ſtrange exorbitances, againſt the *authority* *Of ſelf-defence, and ſelf-preſervation.*

B.2.C.2 *rity* of Government. It hath been ſaid that *ſelf preſervation* is the firſt principle and *prime law of nature*; and thence it muſt be inferred, that its obligation is ſo great in all Caſes, that all other *Laws of Nature* and *Equity* muſt give place thereto. And with reſpect to *reſiſting* a Soveraign Prince by Armes, Mr *Rutherford* aſſerteth, that *no community can without ſin, alienate this power of ſelf-defence.* But though he ſpeaks of the *community*, his argument muſt have as much force concerning any *private perſon, viz.* that as *man hath no power from God to murther his Brother; ſo hath he no power to ſuffer himſelf or his Brother to be murthered.* And the conſequence of this muſt be, that all men are bound to *take Armes* againſt their Soveraign, who ſhall judge any perſon to be in danger of loſing his *life* without juſt cauſe. The ſtrange poſitions of *Leſſius* and *Becanus*, in allowing the *killing a King* in *ſelf defence*, I have above produced: and amongſt the *Romiſh Doctors*, who are very generally prone to embrace *diſloyal principles*, *Dom. Soto* in this particular, is as exorbitant, as any I have met with. He in ſeveral places gives ſuch a deſcription of a *Tyrant*, in the adminiſtration of Government, as diſcontented perſons may eaſily apply to the moſt *worthy*

Of Civil Policy, Qu. 9. p. 59.

Dom. Soto, de Juſtit. & Jur. l. 1. Qu. 1. Art. 2. & Q. 5. Art. 3. & Q. 6. Art. 4.

worthy Prince; that is, that he makes *Lawes*, and orders affairs for his own *private*, and not the *publick good*. And he declares, that ſuch a perſon who hath a right title to govern, may not *be killed by a private perſon, until a publick ſentence* be declared againſt him, and then any man may be *made the Executioner*. But then he adds, *Beſides this, if he forcibly ſet upon* a free ſubject, either *to kill him, or to take away his goods, poteſt civis ille vim vi repellendo. eum interimere; that ſubject in repelling force by force may kill him.* Sect. 4. Id. ibid. l. 5. qu. 1. Art. 3.

2. Now this diſorderly and *unruly management of ſelf defence*, would fill the World with *tumults*, and ſubvert the foundations of its *Peace* and Government; ſince by this means, the power of the *ſword* would be put into every *private mans* hand, to uſe it againſt his Governours, when he ſhall think it fit for his own intereſt. But that the falſhood, as well as the danger of this pretence may be manifeſt, I ſhall return an anſwer thereto in three heads. 1. That it is notoriouſly *falſe*, that men are obliged by the law of nature, in all Caſes to *defend* their own lives, and outward intereſts by *force*. And it is a ſufficient prejudice againſt this, that he who will maintain it, muſt acknow-

B.2.C.2. ledge that all thoſe who died *Martyrs* for the *Chriſtian Religion*, did violate the Laws of nature, in *not reſiſting* their Perſecutors; and that all *malefactors* ought to *fight* for their lives, rather than to ſubmit themſelves to *juſtice*. 2. That the *prime law*, which the nature and being of man, who is a rational Creature, and capable of happineſs, doth oblige him to obſerve, is, that he ought to take care of his own welfare and *chief good*, and to endeavour after *true perfection*. And becauſe this is chiefly procured by *well doing*, therefore to be pious and ſober, loyal and peaceable, juſt and good, whereby purity of heart, and integrity and peace of Conſcience is preſerved, and a good name here, and a bleſſed ſtate hereafter obtained; theſe are the things which our *nature and being*, and our Religion alſo, oblige us principally to deſign, and all outward intereſts of this life muſt be placed in ſubordination to them. And ſure no *Chriſtian* will believe, that our Saviour by his Religion, did *ſubvert* the prime laws of our *nature* and being, when he required his Diſciples to *take up the Croſs*, to be ready to *loſe their lives* for his ſake, and to *forſake all and follow him*. 3. That *ſelf defence* is then only *lawful* to be managed by *force*, when this may be done by *lawful means*, and

The prime laws of nature to rational beings, are the rules of good Conſcience.

and without tranſgreſſing any neceſſary duty to God or Man. It is therefore juſtly allowed ſo far as is neceſſary, againſt private violence and aſſaults, being then warrantable by *the Rules of right reaſon and good Conſcience* which are *the laws of our nature*. But to allow a right of ſelf-defence to every man, by taking *Armes* againſt his ſuperiour, is as much as to ſay that no man is bound to own the Ordinance of God in the World, or to *ſubmit* himſelf and his intereſt to be *governed* by any *civil power*. Sect. 4.

3. It is alſo urged, that in the *Conſtitution of Government*, Princes are appointed for this *end*, to wit, the *good of the people*; and therefore the peoples good is to be purſued, though againſt the *perſon* or Government of the Prince: and they moſt comply with the great *end of Government*, who will take care of the *community*. And therefore if a *Prince* do not promote the peoples good, the end muſt be preferred before the means, and the good of the *Common-wealth* is otherwiſe to be provided for. *Anſ* 1. That though the *good* of the *people* be a great end of Government, yet it is not the *ſole end* thereof. But as when a Prince appointeth a chief Officer of a *Corporation*, this is not only for the benefit of the members of Rutherf. ubi ſup. Qu. 25. Jun. Brut. Qu. 3. p. 110. &c. Armin. Diſp. publ. Theſ. 25. n. 10. *Of the end of Government.*

B.2.C.2. that Society; but it is alſo intended, that they may be more uſeful to do the *King ſervice*, and that the Common-wealth may receive benefit thereby: ſo in *Soveraignty*, there is a claim of *Gods authority* in the World for his honour; and therefore out of Conſcience and duty to God, there muſt be a *ſubjection* ſhewed to Rulers as *his Miniſters*, beſides what the intereſt of the *community* will require. 2. If Government were wholly intended with reſpect to the *good of ſubjects*, I have proved in the former Sections, that *order, peace, and juſtice* cannot be thereby eſtabliſhed among men, unleſs it be acknowledged that none may *reſiſt* the Rulers Authority. 3. To lay down ſuch Rules, that men are no longer obliged to obſerve any *conſtitution* intended for a *further end*, than as the parties concerned ſhall judge it to conduce to that *end*, is dangerous and unſound. By this rule diſcontented perſons might break the indiſſoluble bond of *conjugal Relation*, where they account it not to anſwer the end, by *mutual helpfulneſs* and comfort. And when God forbad the King of *Iſrael, to multiply Wives. leſt his heart ſhould turn away from God*, *Deut.* 17. 17. the Jewiſh Writers account *Salomon* juſtly blameable, for his *multiplying Wives*, though he might preſume there would

Gemar. in Sanhedr. Cap. 2. Par. 11.

would be no danger of his *forsaking God* thereby. Sect. 4.

4. But there is another thing which hath been much insisted on, and will require a larger Examination, concerning the *original of Soveraignty*, and the *deductions* which may be made from thence. It was urged in our late unhappy times in *England*, that the Soveraign power was more in the *people* than in the *King* or Prince, who was originally *created* by them. And in *Scotland* it was asserted then, as a ground of taking Arms against the King, that *Royal power was radically in the people*, was *communicated* from them, and that they may *take it again*, if the conditions on which they gave it be *violated*: and that the people being *the fountain power, are still superiour to the King.*

Of the original of Government being from the people. *Sov. power of Parl.* Part. 1. p. 35, 36. Ruth. *Civ. Pol.* Qu. 4. p. 10. & Qu. 19. p. 148. *This asserted by many Papists.*

5. And it is ordinary with the Writers of the *Romish Church*, to make the *people* the original of the Princes *Soveraign power*, and many of them make use of this Assertion, as one way to shew the excellency of the Pope above Princes. Thus *Salmeron*, *Civil power*, saith he, *is indeed from God*, so far as he made the *community free*, and gave them light and power to set up *Governours*: and therefore *secular power doth not so descend from Heaven,*

V. Bannes in 2. 2æ. Qu. 40. Art. 1. Dub. 2.

Salm. Tom. 12. Tract. 63.

B.2.C 2. *but that it rather aſcends from the community, unto the King or other chief Magiſtrate.* Dominicus Soto aſſerts, *Reges à ſuis Regnis poteſtatem recipiunt, Kings receive their power from their Kingdoms.*

De Juſtit. & Jur. l.4. Qu. 4. Art. 2.

Bell. de Laicis, c.6. *Bellarmine* aſſerteth indeed *political power* and Government to be from *God*; but that he gave it immediately to the whole *multitude*, and they *transfer* it to one or more. And *Medina* declares, that *Principes ſi legitimi ſunt, habent authoritatem & jus Dominandi à Republica, lawful Princes have their authority and right of Governing from the Commonwealth.*

Medin. in 1. 2æ. qu. 90. Art. 2.

The ill conſequences they hence deduce.

6. And from this very principle, the ſame ſort of Writers do alſo grant and aſſert, the *lawfulneſs* of the people *reſiſting* their King by force, in neceſſary Caſes. *Bellarmine* allows that the *political head may be depoſed by the people*, becauſe he *depends* on them, and *receives* his power from them. *Greg. de Valentia* affirms, that the ſecular Prince having his *power from the community* over which he is, from hence it is, that he is above *any parts of the community*, but not above the *whole community jointly conſidered*, at leaſt he is not ſo *in all caſes*. Hence alſo *Navarrus* aſſerted, that *the people did never ſo give over* their power unto the King, but that

Bellarm. de Concil. l. 2. c. 19.

Gr. de Val. T.3. Qu.1. Diſp. 1. Punc. 7. div. 45.

that they retain it to themſelves *in the habit*, that in ſome certain Caſes they may alſo *receive it again in act.* And *Mariana* affirms, that the *Royal power* having its birth from the *Common-wealth*, there is reſerved in it, a *power of depoſing the King*, and making *War* againſt him, and if it be neceſſary, *deſtroying* him with the Sword. And he adviſeth as the ſafeſt courſe, that ſuch an ill governing Prince ſhould be declared a common Enemy, in a *publick convention*, and then he allows it lawful for any private man to *kill* him: but if there can be no ſuch publick Aſſembly, if it be according to the *common vote* of the people, he commends the wicked attempts of ſuch as would take away his life, as if ſuch horrid enterpriſes were famous atchievements. Sect. 4. Mariana de Rege, & Reg. inſtit. l. 1. c. 6.

7. There are alſo other *new Modellers*, whoſe Poſitions founded upon the ſame bottom, of *Princes* having their power from the *people*, are very dangerous to Government. Such perſons I mean as Mr *Hobbs*, and the Author of the *Tractatus Theologico-politicus*: for though theſe men ſeemingly yield a great Authority to the Prince, yet building upon a wrong and rotten foundation, they afford him no further *ſecurity* in his Government, than is the effect of his *mere ſtrength* and power. *The like dangerous Poſitions of other extravagant Writers.*

B.2.C.2. The *Tractatus Theologico-politicus* owneth Dominion to be founded in mens reſigning up their own rights to another by *pacts*. But beſides other things, the admitting theſe two aſſertions in that Diſcourſe, will be ſufficient to manifeſt, the *inſtability* of any Government, where thoſe Poſitions are embraced. For as he aſſerteth that naturally there is nothing *unlawful*, which any man can *deſire and obtain*: ſo 1. he ſayes, *Pactum nullam vim habere poſſe, niſi ratione utilitatis, qua ſublata pactum tollitur, & irritum manet*: which is as much as to ſay, that Subjects are no further bound to *ſubmiſſion*, than till they can propoſe to themſelves an *advantage* by Rebellion. And ſince no *rebellion* was ever undertaken in the World, but upon the propoſal of ſome *advantage* to the undertakers, thoſe evil men muſt be juſtified, as having a *right* to do what they did, according to this pernicious Principle. 2. It is there alſo aſſerted, *Summis poteſtatibus hoc jus quicquid velint imperandi, &c. The right of commanding what they pleaſe, doth only ſo long belong to the ſupreme powers, as they indeed have the higheſt* (or greateſt) *power; but if they loſe that, they loſe alſo the right of commanding all; and this right falls upon him or them, who*

Tract. The-pol. Cap. 16. p. 254. p. 256. V. p. 262.

Ib. p. 259. V. p. 261, 257, 258.

who gain the greateſt power, and are able to keep it. Which words do make void all true and *proper right* of Princes, and leave them no other foundation to ſupport their Government, but their preſent *poſſeſſion of power*, which if any other perſon can *poſſeſs* himſelf of, he therewith hath the *right* alſo. Sect. 4.

8. And though Mr *Hobbs* ſometimes hath over-large expreſſions concerning the power of Governours; yet he having before laid the ſame foundation for the *original* of political *Government*, doth alſo undermine the ſafety and *ſtability* of Governours and Government, 1. By aſſerting, That theſe *pacts* are ſo reciprocal, that they who yield up their right, do it for the receiving good thereby: and the end of pacts being the *preſervation of life*, and of ſuch things as conduce thereto, *jus contra vim ſe defendendi neceſſariò retinetur*, and any *pact* to give up the power of defending ones ſelf againſt Death, Wounds, or Impriſonment, muſt be *void*, being againſt that *ſelf-preſervation* which is the *end of theſe pacts*. And theſe general Poſitions and grounds concerning pacts, will deſtroy either the *nature*, or at leaſt the *ſecurity* of that power, which in words he otherwhere yields to Governours. 2. Becauſe according to his frame Leviath. Cap. 14. p. 67, 68, 70.

and

B.2.C.2. and model, there can be no foundation laid, for theſe *pacts* becoming *obligatory*, further than the mere *fear* of external coactive power can enforce the obſervation of them. For as he ſometimes tells us, that theſe pacts do not *oblige* in their own nature, but from the *fear of loſs*, and the puniſhment from a viſible power: ſo ſince he aſſerts, that in the ſtate or condition of *liberty* antecedently to theſe pacts, *Juſtice, equity, or doing to others as they would they ſhould do to them*, had no place, nor were men any ways obliged to obſerve them; it is impoſſible there ſhould be any *obligation* introduced upon men (according to this method) to perform their pacts, ſave only from fear of *external force*. For as the Tractator doth expreſly allow *fraud and deceit*, in that imaginary ſtate of liberty, the conſequence of which will be that they may *deal falſly* in their *pacts*; ſo the *Leviathan* model muſt according to the principles there laid, allow the ſame. And though he ſometimes ſpeaks of the confirming theſe pacts by *Oaths*, and the fear of a Deity: yet this can add nothing to the obligation, upon the principles of the *Leviathan*: becauſe the *fear of God* only obligeth men to do their *duty*, but doth not deny them the uſe of their *liberty* in other things. But as theſe

Ibid. c. 14. p. 67, 71. & Cap. 17. p. 83. & Cap. 18. p. 87.

Tract. Theo.-pol. p. 254.

P. 71.

theſe Poſitions are framed upon ſuch ſuppoſitions, as look upon man in his beginning, to ſtand without due reſpect to God, and the rules and notions of good and evil; ſo the dangerous aſpect they have on *peace* and *Government*, doth ſpeak the folly of them, and they will be ſufficiently in this particular confuted, by aſſerting the *divine original* of Soveraignty. Sect. 4.

9. But it ſeemeth moſt ſtrange, that the Learned *Grotius*, in his Book, *De Jure Belli & pacis*, ſhould aſſert, that men at the firſt did join themſelves together in Civil Society, *non Dei præcepto ſed ſponte*, not by any command of God, but of their own choice; and that *hence civil power hath its original, which* Peter *therefore calls an humane ordinance*: and that it is alſo called *an Ordinance of God, becauſe God approved the wholeſome inſtitution of men.* And upon this Principle he thinks it may be queſtioned, whether the *people ever intended* to exclude themſelves, from a power of taking *Armes* in all Caſes. And therefore without all diſtinction of Caſes, he there is not willing to condemn their *reſiſting* their Governour. But I think it needful to do him ſo much right, as to obſerve that this was not his conſtant and fixed ſenſe and judgment. For concerning the *original* of Authority, he in

De Jur. B. & P. l. 1. c. 4. n. 7.

B. 2. C. 2. in another place declares this to be the doctrine of S. *Paul*, that there are now *no Empires, but where God gives to them his authority*, even as a King gives Authority to his Preſidents: and he alſo affirms, that in all Governments, the Authority is *received from God*, *non minus quàm ſi reges illi per Prophetas uncti eſſent, as much as if thoſe Kings had been anointed by Prophets.*

Grot. in Rom. 13. 1.

10. And when S. *Peter* requires ſubmiſſion *to every ordinance of man for the Lords ſake*, *Grotius* in his Annotations, thinks him to intend, *ordinationem iſtam quæ inter homines in terra agentes locum habet, that ordinance which hath place amongſt men:* which Expoſition hath this advantage of the other, that according to it, a good account may be given of the Apoſtles argument or motive, injoining ſubmiſſion *for the Lords ſake*. For this muſt infer that thoſe *men* who govern in the World, do not act only by an *humane right*; ſince if Government were not by *Gods authority* and conſtitution, obedience to it could not bear a reſpect to *God* himſelf. And touching the *unlawfulneſs* of forcible *reſiſtance* of Governours, beſides the plain and full expreſſions I have above produced from *Grotius*, he in another Treatiſe aſſerts, that *violent defence* which

Grot. in 1 Pet. 2. 13.

Sect. 1.

which is *lawful* againſt an equal, is *unlawful* againſt a ſuperiour: and he judgeth that the *law of nature* will not allow this, no not for *ſelf-preſervation.* But ſaith he, this is more plainly demonſtrated, from the *written law of God:* for when Chriſt ſaid, *he that takes the Sword ſhall periſh by the Sword, he expreſly diſallows that defence which is made by force, againſt the moſt unjuſt but publick violence; diſerte improbat eam defenſionem quæ vi fiat, contra vim injuſtiſſimam ſed publicam.* Sect. 4. Gr. de Imp. Sum. Pot. Cap. 3. n. 6.

11. Now it may be a juſt prejudice againſt this aſſertion, of *Soveraignty being derived from the people*, that according to theſe various Propoſals, it may become dangerous to the ſettlement of the World. But withal their *way of arguing*, who pretend that the *people* who make the Prince, have therefore a *power reſerved* to themſelves *greater* than his, is a kind of contradiction to it ſelf; as if they who *give up* their power ſhould by that means have the *greater power*, and they who *receive* authority ſhould thereby have the *leſs.* This is ſuch a fond argument, as would prove all *ſervants* by contract, to be ſuperiour to their *Maſters*, becauſe by their contract they *made* them their Maſters; or that thoſe *Countries* who became ſubject, and *Unreaſonable inferences from this unſound foundation.* V. Jun. Brut. Qu. 3. p. 91. De Jure Magiſtr. c. 3.

XUM

B.2.C.2. and *tributary* to the Roman Empire, or any other, had a *ſuperiority* over that Empire; becauſe their becoming *ſubject* to it, was that which made its Dominion ſo large and eminent. And concerning that ſuppoſition, that poſſibly the people might not *intend*, to deprive themſelves of all *power of reſiſtance*; with reſpect to this

V. Ch. 1. Kingdom, it is evident from the plain expreſſions of our *Statute Laws* above produced, that the Subjects did *intend* to reject all power of *reſiſtance*. And yet they who enter into any relation by their own *contract*, do ſtand obliged from the *nature* of that relation, and the *Laws* that God hath eſtabliſhed concerning it, and not only from their own *intention*. Thus the contracting to become a *Wife* or a *Servant*, intending to be ſo to a *kind* and courteous man, doth not hinder the continuance of the bond in theſe relations, and the obligation to the duties thereof, though this man contrary to their expectation, may prove *ill-natured* and froward. And what I have diſcourſed in the beginning of this Chapter will evidence, that even they who will aſſert Soveraignty to be of a mere *humane original*, muſt acknowledge that the rejecting of all forcible *reſiſtance* againſt it, is neceſſary to the peace and *welfare* of the World, and there-

therefore this must be intended by the wiser part of Mankind. Sect. 5.

SECT. V.

The Divine original *of Soveraign Power asserted.*

1. That Government and its Authority is originally the *constitution of God*, may receive considerable proof from *rational evidence*, supposing Creation and Providence to be acknowledged. For since God is the *Lord of the whole Earth*, he hath a right to *govern* it, and it is in his power to appoint Rulers and *Magistrates*, and to command subjection to them: and whosoever besides God, shall undertake to confer a power to *rule* the World, as if it were originally derived *from themselves*, do thereby put themselves upon the disposing of *Gods right*. It was owned by the Ancient Poets, as *Homer*, and *Hesiod*, that Kings are from God. In *Homer*, Σκηπτοῦχος βασιλεὺς ᾧτε ζεὺς κῦδος ἔδωκεν, and *Hesiod* saith, Ἐκ Διὸς βασιλῆες. And *Synesius* observed, that it was said by *Plato*, θεῖον ἀγαθὸν ἐν ἀνθρώποις βασιλεία, that *Royalty was a good thing from God among men.* And in the Book of *Wisdom*, both the *Authority* of Kings is asserted to be from *God*,

Soveraignty and rule proved to be the constitution of God.

By rational evidence.

Hom. Il. α.

Hes. Theogon. in init.

Synes. de Regno.

Wisd. 6. 4, 5.

B.2.C.2. *God*, and that themſelves alſo are *Gods Miniſters.*

2. And it may well ſeem a ſtrange thing, that God who not only gave a *being* to all other parts of his Creation, but framed them in an excellent and beautiful *order*, and made the Sun to rule by Day, and gave Man *dominion* over other lower parts of his Creation, ſhould leave *Mankind* only, which is ſo excellent a being, without taking any order for that uſeful and regular *publick Society*, which is both ſuitable and *beneficial* to humane nature. And it is yet far more unlikely, that he who is the God of Order, ſhould for the peace and good of *leſſer Societies* in private Families, ordain the Authority of *Parents* over their Children, and the Headſhip of the *Husband* over the Wife, and yet ſhould leave the more general and *publick ſtate* of Mankind, which is of greateſt concernment, in an unſetled *ungoverned confuſion.* It would be alſo a reflexion upon the *goodneſs* of God to imagine, that it was not his will that *juſtice* ſhould be adminiſtred, and viciouſneſs *puniſhed* among men; that *peace* ſhould not be preſerved, and goodneſs *encouraged* in the World: and it would be a diſparagement to his *wiſdom* to conceive, that he ſhould *appoint* all theſe things to be done, whilſt he

he committeth no power or *authority* to any perſon, or order of men to take care of them. Sect. 5.

3. But the expreſs teſtimonies of the *holy Scripture*, put this matter out of doubt. There Governours as having Gods Authority, are ſtiled *Gods*, and *Children of the moſt high*, *Pſ* 82. 6. And beſides the Government of *Iſrael*, which was evidently eſtabliſhed by *Gods appointment*, which was the reaſon why *David* ſo much reverenced *Saul*, as being *the Lords anointed*: we are told, *Pr.* 8. 15, 16. *By me Kings reign, and Princes decree juſtice: by me Princes rule, and Nobles, even all the Judges of the Earth.* And God declared by *Jeremy*, *Jer.* 27. 5, 6. *I have made the Earth, --- and have given it to whom it ſeemed meet unto me: and now have I given all theſe lands into the hand of* Nebuchadnezzar, *the King of* Babylon *my ſervant.* *Cyrus* alſo was called the *Lords Shepherd*, *If.* 44. 28. (Princes being oft ſtiled *Shepherds*, becauſe their Office and Government is thereby much reſembled, Ἀδελφαὶ ποιμενικὴ καὶ βασιλικὴ, ſaith S. *Baſil*; and the Hebrew word for a Shepherd is ſometimes rendred in the Chaldee Paraphraſe פרנס a *Prince* or Governour) he was alſo called the *Lords anointed*, *If.* 45. 1. And *Daniel* tells *By the teſtimony of the Scriptures.*

B. 2. C. 2. *Nebuchadnezzar*, that *God ſetteth up Kings*, *Dan.* 2. 21. and that the *God of Heaven had given him a Kingdom*, *v.* 37. S. *Paul* alſo declares, that *there is no power but of God*, *and the powers that be*, *are ordained of God*, *Rom.* 13. 1. And he ſtileth the power, the *ordinance of God*, *v.* 2. and the Ruler, the *Miniſter of God*, *v.* 4.

By the ſenſe of the ancient Church.

4. The *ancient Chriſtian Church*, even when they were under perſecution by the Roman Emperours, did yet conſtantly acknowledge their Authority to be from *God*. *Tertullian* declares, that the Chriſtian knows that *the Emperour is conſtituted by his God*. And, ſaith he, from *thence is the Emperour*, *from whence is the man*; *from thence is his power from whence is his ſpirit*. And the ſame ſenſe is expreſſed by *Irenæus*. And *Dionyſius* of *Alexandria* in *Euſebius*, acknowledged, that it was *God* who gave the Empire to *Valerian* and *Galienus*. The ſame truth is aſſerted by S. *Aug. de Civ. Dei*, *l* 5. *c.* 21. by *Epiphanius*, *Hæreſ.* 40. and by divers other Chriſtian Writers: inſomuch that when *Bellarmine* ſought for the teſtimonies of ancient Writers, to prove Dominion to be of *humane original*, he could meet with no *Theological Writer* of the Chriſtian Church, who favoured his opinion amongſt the Fathers, and

Tert. ad Scap. c. 2. Apol. c. 30. Adv. Hæreſ l 5. c. 24.

Euſ. Hiſt l. 7. c. 11. gr.

Ecll. in Lib. Recogn. de Iudicis.

and therefore takes up with *Aquinas*. And *Paulus Oroſius* affirms, *that all Power and Government is of God, is that which they who have not read* the Scriptures *do think, and they who have read* them *do know*. And ſome of the Romiſh Church ſpeak to this purpoſe, as *Velloſillus* and eſpecially *P. de Marca*. Sect. 5. Oroſ. Hiſt. l. 2. c. 1. Vell. in 4. Tom. Aug. ad 22 Qu. De Concord. l. 2. c. 2. n. 1, 2, 3.

5. And now let any equal Reader conſider, whether the evidence of reaſon, Scripture, and the ancient Fathers, will agree with that reproachful Poſition of *Hildebrand*, or *Greg. 7.* againſt *God* and his *Vice-gerents*, That *Kings* had their *beginning*, from them who affected rule by the inſtigation of the *Devil*. But they all tend to confirm what hath been aſſerted in our Church; *That the moſt high and ſacred order of Kings is of divine right, being the ordinance of God himſelf, founded in the prime laws of nature, and clearly eſtabliſhed by expreſs Texts, both of the Old and New Teſtaments*. Greg. 7. Epiſt. l. 8. Ep. 21. Can. 1. 1640.

6. And the *nature* of the Rulers *power*, will further ſpeaks its Conſtitution to be from *God*. He is to *judge* the people, but God being the *judge of all the earth*, all acts of judgment are declared to be, *not for men but for the Lord*, 2 *Chr.* 19. 6. and therefore muſt be performed by an Authority derived from him. And the puniſhment *And from the nature of this Authority.*

B. 2. C. 2. niſhment inflicted by Governours, is an act of *vengeance* or revenging; and therefore as vengeance or revenging, ἐκδίκησις is claimed by God himſelf, as peculiarly belonging to him, *Rom.* 12. 19. *vengeance is mine*; ſo the Ruler as the Miniſter of God is made an Executor of Vengeance, or a *Revenger*, ἔκδικος, *Rom.* 13. 4. which muſt be by Gods Authority derived to him. And ſince the Ruler who *bears the Sword*, hath an Authority of *Life* and *Death*, this could not be derived to him from the *community*, ſince no man hath ſuch a *Dominion* over his own *Life*, as to have a power to take away his Life, as hath been truly aſſerted by *Schoolmen* and others, and therefore cannot *transfer* ſuch a power to any other perſon: and therefore, this Authority of Governours muſt be received from *God*, who is *Lord of life and death*.

Leſſius de Juſt. & Jur. l. 2. c. 4. dub. 10. M. Becan. de Jur. c. 4. q. 1.

Objections anſwered.

7. Having proved the Authority of Governours to be of a *divine extract*, I ſhall now ſhew, that the various pretences for founding it in the conſent of men, are of very little weight. It is confeſſed, that there are *elective Kingdoms*, and Empires in the World; and that where there hath been a vacancy of a Governour, and none could claim a right of *ſucceſſion*, Princes have oft been *choſen* by the people. In this

From the Election of ſome Princes.

this Caſe ſeveral *Roman Emperours* were Elected by their *Army*, and received by the Senate, and thus were *Gideon*, *Jephtha*, and other Judges eſtabliſhed in *Iſrael*. But ſuch a liberty of *choice* in the people in theſe circumſtances, carries no oppoſition to the Authority being from *God*. For the entring into a *conjugal Society*, is by a free choice, (even ſo far of choice, that many perſons if they pleaſe, may live in *celibate* and ſingle life, whileſt men cannot live without *Government*) and yet *Matrimony*, and the Husbands Authority is by *divine appointment*. And Members of a *Corporation* do uſually chuſe their *chief Magiſtrate*, but though they determine upon the *perſon*, it is not they, but the *Princes Charter* and Grant, that gives him his *Authority*. Sect. 5.

8. And they who tell us, that Soveraign Authority cannot be a proper *divine inſtitution*, becauſe then its rights would be wholly *unalterable*, and the ſame in all the Governments in the World, do rely upon a meer fallacy. For this Topick would with equal force and evidence, prove the *paternal right* not to be founded in the *laws of nature*, or the inſtitution of God; becauſe the *authority* of the Father, and the *priviledges* of Children, are not the ſame in different parts of the

M. Salamon. de princip.

From the different rights of Regality.

B. 2. C. 2.

World. The Rules of inheriting by the right of *devolution* in ſome part of the Low-Countries; and of *Gavelkind*, and ſome other tenures in *England*, do vary from the more general uſage. And in many places of the World the Father had *Jus vitæ & necis*: and *Cappellus* aſſerteth him to have had that power of life and death among the Jews. The Inſtitutions of *Juſtinian* expreſly teſtify, that that right of power, which the Roman Fathers had over their Children, was that which was proper to *the Citizens of Rome*: and it is there added, *no other men have that power over their Children, which we have.* Nor will it prove *Matrimony* to be no inſtitution of God, becauſe the priviledges of the *Wife* are eſteemed greater in *England* than in other Countries; and are not the ſame at the Death of the Husband, in the Province of *York* and the City of *London*, with the other parts of the Kingdom. But the truth is, in thoſe States or Relations which are fixed by *divine inſtitution*, there are ſome things ſo neceſſary and *eſſential*, that they cannot be ſeparated from them: ſuch are in the Conjugal Relation, the *Headſhip* of the Husband, the ordinary *inſeparableneſs* of that Society till Death, and the performance of Conjugal Duties; and ſuch are in the ſupreme

Gotofred. not. ad Dig. l. 1. Tit. 6. n. 1. de jure. Capp. de vot. Jephthæ. Inſtit. l. 1. Tit. 9.

Govern-

Government, the neceſſary care of *juſtice* and the common good, and even of matters of *Religion*, and the having a power fitted to theſe ends, and which in purſuance of them, may not by inferiours be *forcibly reſiſted*. But in many other particular things, the priviledges of *inferiour* relations, and the dignities and rights of *ſuperiours*, may be greater or leſs, according to what is concluded by their mutual conſent. Sect. 5.

9. The Solemnity of *Coronation*, when the people acknowledge their King, and the King again gives the people aſſurance, that he will preſerve their Religion Rights and Laws, and govern them according to thoſe Laws; is far from intending to expreſs, the Kings Authority to be *derived* from the people by a *contract*, as ſome have weakly argued. For the King is actually *King*, by his right of *inheritance* and ſucceſſion, upon the Death of his Predeceſſor, antecedently to this Solemnity, as our Law-Books do generally acknowledge; and *Henry* the Sixth Reigned divers years in *England* before he was Crowned. And even in *Elective Principalities*, the rights of Soveraignty are inveſted in the perſon elected thereto, before the Coronation; both in the *Empire* it ſelf, and other Dominions. But the intent of this Solemnity is, that

From the Rites of coronation.

Du May's *Eſtate of the Empire.* Dial. 2. verſ. fin. Extrav. Com. l. 5. Tit. 10. c. 4.

B.2.C.2. that as the Rites of *Inauguration* in other Magiſtrates, tend to make ſuch impreſſions in the people, as may beget a reverence towards them; ſo the Prince his appearing with *ſplendour* to his people, doth both excite them to, and give them opportunity for publick *acknowledgments*, and expreſſions of affection and honour towards him, and joyful *acclamations*. To this purpoſe *Henry* the Third was *twice* Crowned, once in the firſt year of his Reign, where *M. Paris* treateth, *De prima Coronatione Regis Henrici*, and again in his twentieth year, as is manifeſt in the preamble of the Statute of *Merton*: and *Richard* the Firſt was obſerved alſo to have been twice Crowned. In like manner *David* notwithſtanding his right by Divine appointment, beſides his being anointed by *Samuel*, was *twice anointed* by the people. And both the Jewiſh Chronicle, and *Joſephus* declare, that *Saul* alſo was anointed a *ſecond time*. And the kind expreſſions of the Prince, and the aſſurance that he gives his people, that he will govern them by *their laws*, and maintain their *Religion* and Rights, is deſigned to baniſh and expel all jealous fears from them, and to encreaſe their *affection* to him, and make their obedience and ſubmiſſion the more ready and *chearful*, by their

Mat. Par. an. 1216.

Fullers Hiſt. an. 1154.

Sed. Olam Rab. c. 13. Joſeph. Ant. Jud. l. 6. c. 6.

their having ſecurity from their Princes reputation, honour, and integrity, that he will intend the preſervation of the great things, which conduce to their *welfare.* Sect. 5.

10. It hath alſo been objected, that beſides the like expreſſions in other Law Books, the *Civil Law* declares, *Lege Regia quæ de ejus* (Principis) *imperio lata eſt, populus ei & in eum omne ſuum imperium & poteſtatem confert*, which words declare, that by that *Law* which was made concerning the *Empire of the Prince, the people yield to him all their authority and power.* It alſo aſſerteth, that Nations were divided, and Kingdoms eſtabliſhed by the *Jus gentium* or the Law of Nations: and alſo that *liberty is the natural ſtate, and ſervitude is introduced by the Law of Nations.* Now though it might be ſaid, againſt the force of any ſuch allegations, which ſeem to oppoſe this truth; that the *right of God* and of his conſtitution and authority, is not to be determined by any *humane writings*, eſpecially if they ſpeak againſt the Scripture, and rational evidence: Yet I further obſerve, 1. That the firſt expreſſion hath reſpect to the *political ſanction*, or eſtabliſhment of the Civil Government of the Roman Empire; and even with reſpect to the *peculiar priviledges* of the Emperour himſelf,

From the Civil Law. Digeſt. l. 1. Tit. 4. n. 1. quod Principi.

Ibid. Tit. 1. n. 5. Ex hoc jure.

Ibid. Tit. 1. n. 4. Manumiſſ. & Juſtin. Inſt. l. 1. Tit. 3.

himſelf, as having a *legiſlative power* in his own breaſt; to which purpoſe that very law declares, *Quod Principi placuit, legis habet vigorem, utpote lege regia quæ de ejus imperio, &c.* And though theſe *political ſanctions* be a proper conſideration for humane Laws to take notice of, yet this hinders not, but that there may be a ſuperiour divine conſtitution, of Soveraignty and ſecular power, which alſo is oft aſſerted in the Civil Law. 2. The following expreſſion doth ſpeak of the like *political ſanction*, and doth further acknowledge and aſſert, the *bounds* and *limits* of the ſeveral Kingdoms and Nations, to be eſtabliſhed by the Law of Nations; *jure gentium diſcretæ gentes, regna condita.* 3. That *liberty* which in the laſt clauſe above-cited, is declared to be the *natural ſtate*, and the *ſervitude* which is there ſaid to be introduced, do not reſpect freedom from *Government* and Laws, but from *vaſſallage*: which is evident, becauſe in the *Digeſts*, this ſervitude is ſaid to be diſcharged by *manumiſſion*, which ſtill leaves the perſon under civil Government; and in the Inſtitutions the freedom which is oppoſed thereto is bounded by that which *is prohibited by law.* And beſides this *freedom* of the outward condition, *Cicero* doth well and wiſely account that man

B.2.C.2.

Novel. 73. & Novel. 85. & paſſim.

Ubi ſupra.

Cicero. Paradox 5.

man to have attained a true and proper *freedom of mind*, who obeys and reverenceth the *Laws*, not ſo much for fear, as becauſe he judgeth it *uſeful* and good ſo to do. Sect. 5.

11. Now if Government be the *Conſtitution of God*, to make forcible *oppoſition* againſt it, muſt either be in deſign to have *Gods authority ſubject* to them who ſo act, or at leaſt that themſelves may *not be ſubject* unto it; both which are unreaſonable, and include a *reſiſting the ordinance of God*. But of the divine law in this particular, I ſhall ſpeak in the following Chapters.

CHAP.

CHAP. III.

Of the Unlawfulneſs of Subjects taking Armes againſt their King, under the time of the Old Teſtament.

SECT. I.

The need and uſefulneſs of conſidering this Caſe.

The reaſon why the ſtate of the Old Teſtament is here particularly conſidered.

1. THE enquiry into the times of the *Old Teſtament* is of the greater import, becauſe it would be a conſiderable teſtimony, that neither the Rules of *common equity*, nor the true foundations of *humane polity*, do condemn all forcible *reſiſtance* againſt the Soveraign Power, if this was allowed to Subjects under the *Jewiſh conſtitution*, which was very much ordained by the wiſdom of *God* himſelf. Concerning the Jewiſh Conſtitution, the learned *Grotius* doth in his Book *De Jure belli & pacis* aſſert, that in ordinary Caſes of injury, they were not allowed to make *reſiſtance*: and therefore he expoundeth what *Samuel* ſpake, of the משפט המלך or *the right or manner of the King*, 1 *Sam.* 8. 11.-18. to intend that in

Lib. 1. c. 4. n. 3.

in ſuch things as the King was there declared to undertake, the people had *non reſiſtendi obligationem, an obligation upon them to make no reſiſtance.* But yet he afterward aſſerteth, that in great and weighty Caſes, either of manifeſt *civil injury*, as in what *David* ſuſtained from *Saul*; or of violence offered to their *Religion* and *whole Nation*, as was done by *Antiochus*, when the *Maccabees* withſtood him, it was lawful for them to take Armes againſt their *Soveraign.* But he propoſeth it as a Queſtion of greater difficulty, whether *Chriſtians* may be allowed to do the like: and here he recommends the duty of Chriſtian Patience, and *bearing the Croſs*, from the example of Chriſt himſelf and the Primitive Church. Sect. 1. Ibid. n. 7.

2. And Mr *Thorndike* in his Epilogue, from the inſtance of the *Maccabees*, doth allow the lawfulneſs of *ſubjects taking Armes* under the Jewiſh State, for the defence of their *Religion:* and very plainly aſſerteth the ſame, in his Treatiſe of *the right of the Church in a Chriſtian State.* But in both thoſe places, he declareth the unlawfulneſs of taking Armes upon the ſame account under *Chriſtianity*; becauſe of the difference of the ſpirit, rules and conditions of the *Law* and the *Goſpel.* But yet in this laſt mentioned Book, there are ſome Epil. Part. 2. Ch. 32. *Right of Church.* Ch. 5. p. 306. &c.

B.2.C.3. ſome expreſſions, which will make it manifeſt, that that learned man was not ſo fixed in this Poſition, concerning the *Jewiſh Government*, but that he ſometimes much inclined to, and plainly embraced the contrary aſſertion. For ſpeaking of that Covenant, which the Jews entred into under *Ezra* and *Nehemiah*, he declared, that this was allowed by the Grant, and Commiſſion of the King of *Perſia*; and ſaith, *It is not in any common reaſon to imagine, that by any Covenant of the Law, renewed by* Eſdras *and* Nehemias, *they conceived themſelves inabled or obliged, to maintain themſelves by force, in the profeſſion and exerciſe of their Religion, againſt their Soveraign, in caſe he had not allowed it them.*

Right of Ch. Ch. 4. p. 229.

The Goſpel makes no new model for the rights of all political Societies.

3. But that which will make this enquiry into the times of the *Old Teſtament*, the more neceſſary, is this; becauſe ſo far as I can diſcern, it is an aſſertion which cannot be maintained or defended. That there is in this particular, any ſuch *difference* between the State of the *Old Teſtament* and the *New*, as that it ſhould be lawful for *Subjects* before the coming of Chriſt, and particularly for the Jews, to defend their Liberties or Religion *by War* againſt their Soveraign; but it is now become unlawful for all Subjects under *Chriſtianity*,

ſtianity, by the peculiar Precepts of the Goſpel. For though it is manifeſt, that the ſpirit of the Law and the Goſpel do very much *differ*, and that *meekneſs* and peace are more peculiarly recommended in the Goſpel, by the Precepts, and by the example of *Chriſt*, both to Rulers and Subjects; yet I ſee not how Chriſtianity doth alter the model and frame of humane *political Societies*, ſo as to *debaſe* Subjects, or *deprive* them of any rights or freedoms, which they did before enjoy. It is indeed truly obſerved by S. *Chryſoſtome*, that *David* in his actings towards *Saul*, had not all thoſe arguments for *ſubjection*, which Chriſtians now have, having never ſeen nor heard of the great example of *Chriſt Crucified*, and his doctrine of *patience* and ſuffering. But though theſe are high motives to the performance of our duty, they do not lay a new foundation for *common rights*; nor do they eſtabliſh any ſuch new Rules, as thereby to determine the unlawfulneſs of all *Wars* in the defence of *juſt rights*, if they be managed by a *warrantable authority*. Sect. 1. Chryſ. Hom. 3. de Dav. & Saul.

4. And they who inſiſt upon the Goſpel Precepts, of *taking up the Croſs*, as if that did put ſuch a difference between the legal State and the Evangelical, that thereupon

B. 2. C. 3 upon it is now become *unlawful* for Subjects to take Armes, eſpecially for the defence of *Religion*, do alſo proceed upon a miſtaken ground. For though this Precept and the profeſſion of Chriſtianity, doth require great *meekneſs* and patience, and a firm and ſtedfaſt *reſolution* under all difficulties, to purſue and maintain the Faith and practice of the *Goſpel*, it doth not deprive ſuch perſons, of a *power* and right to make *War*, even in the defence of *Religion*, who antecedently to Chriſtianity were *inveſted* with ſuch a right. And he who will aſſert this, muſt grant it unlawful for any *Soveraign Prince*, to defend his free profeſſion of the *Chriſtian Religion*, which is one of his *juſt rights*, againſt an external force which would impoſe a *contrary Religion* upon him; as was done in the Chriſtian Kingdom of *Armenia*, which then had a Soveraign Prince, againſt the fury of *Maximinus*, who would have forced them to embrace the Pagan Idolatry.

Euſ. Eccl. Hiſt. l. 9. c. 7. gr.

5. And whereas in the New Teſtament, we have clear Declarations, that the higher Powers are the *Ordinance of God*, and that *they who reſiſt them, ſhall receive to themſelves damnation*, *Rom.* 13. 1, 2. the ſenſe of theſe truths was contained under the acknowledgment, which *David* made

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in the Old Teſtament, *who can ſtretch forth his hand againſt the Lords anointed, and be guiltleſs?* For as S. *Chryſoſtome* noted, when *David* declared *Saul* to be the *Lords anointed*, he did acknowledge him to have Gods Authority, and that to reſiſt him was, θεῷ πολεμεῖν, *to fight againſt God*; or in the Apoſtles words, to *reſiſt the Ordinance of God.* And S. *Auſtin* obſerving, that *David* called *Saul* the *Lords anointed*, after the Lord had departed from him, he adds, that *David* was not ignorant, *divinam eſſe traditionem in officio ordinis Regalis*, that *the royal office was Gods Ordinance and appointment*; and therefore he both did honour *Saul*, and ought ſo to do. Sect. 1. Hom. 1. de Dav. & Saul. Aug. Quæſt. ex Vet. Teſt. c. 35.

6. Some poſſibly may here urge, that the Laws and Rules of *right*, and all the Precepts of *Religion* amongſt the *Iſraelites*, were there eſtabliſhed antecedently to the being of the *Royal Authority* among them; and that theſe things ſtanding by Divine Authority, no King had any power to *repeal* or break them; and on this account, they might have liberty from the nature of their Conſtitution, to *defend* theſe rights by the *Sword*, though Chriſtians have not. But even this alſo will not alter the Caſe. For throughout all the World, the common Rules of *right*

B.2.C.3. and *juſtice* have a divine ſtamp, and are of as great Antiquity as the World it ſelf, and the nature of man: and there is ſcarce any *Kingdom* in the World, which hath continued without interruption of its *ſucceſſion* and eſtabliſhment, ſo long as the *doctrine of Chriſtianity* hath been in the World, which peculiarly is from God. And however, no *preſcription* can be pleaded againſt the right of God, and the Soveraignty of Chriſt, no more than it could be pleaded for the eſtabliſhment of the *Pagan Idolatry*; in which Caſe the ancient Chriſtians conſtantly aſſerted, their duty to *God* and his *Religion*, to be above that which they owed to the *contrary Laws* and Conſtitutions of humane Authority.

Tert. Ap. c. 4. Cl. Alex. Strom. l. 4. Orig. cont. Cel. l. 1. l. 5. & l. 8.

7. Wherefore it will be of conſiderable moment, clearly to prove, that *Subjects* in the Church of *Iſrael*, according to the will of *God* under the Old Teſtament, were not allowed in any ſuch Caſes as have been pretended, to *take Armes againſt their Soveraign*. And if this was then unlawful, it is now much more ſo under the diſpenſation of the Goſpel.

SECT.

SECT. II.

The general unlawfulneſs *of Subjects taking Armes againſt their Prince, under the Old Teſtament, evidenced.*

1. Becauſe the unlawfulneſs of Subjects taking Armes againſt their King, under the *Old Teſtament*, will receive the fulleſt evidence from the behaviour of *David* towards *Saul*, and thoſe principles of duty whereby he was guided; I ſhall paſs by many other things with much brevity. When *Samuel* declared the משפט *the manner* (or as very many Tranſlations render it, and the word moſt frequently ſignifies, the *judgment* or *right*) *of the King*, 1 *Sam.* 8. 11.---18. and *Ch.* 10. 25. many judicious men with great reaſon, have accounted it to contain this ſenſe, that ſuch was the *right*, dignity and authority of their King, that though the people might bear and ſuſtain ſuch injuries, as are there mentioned, they had no lawful power of *redreſſing themſelves by force*, but only muſt apply themſelves to God. This *Grotius* in his *Annotat.* upon that place thus expreſſeth, *ſi peccarent* (reges) *graviter in Dei legem, ad Deum ultio pertinebat, non ad ſingulos; ac ne ad populum quidem.*

Kings under the Old Teſtament might not be reſiſted.

V. Verſ. Vulg. Syr. Arab. Pat. Chald. & Sept. Barclai. adv. Monarch. l. 2. p. 64.

Carpzov. in Schick. Th. 1. p. 1. & Th. 7. p. 160. Grot. ubi ſup. & in 1 Sam. 8. 11. & de Imp. c. 3. n. 6.

B.2.C.3. *dem.* And *de Imperio ſummarum poteſtatum circa ſacra*, he ſaith, *Jus regis vocatur, quia ita agenti nemini liceret vim ullam opponere.* And to the like ſenſe *Salmaſius*, *Defenſ. Reg. c.* 2.

2. *Salomon* perſwading to that duty and reverence, which Subjects owe to Princes, *Eccl.* 8. 2,3. declareth *v.* 4. *where the word of a King is, there is power, and who may ſay unto him What doſt thou?* and ſpeaks of the *King againſt whom there is no riſing up*, *Prov.* 30. 31. which words give a fair intimation, that the dignity of the *King of Iſrael* was ſuch, that no *oppoſition* or reſiſtance might be made againſt him by inferiours. And when *David* declared, *Pſ.* 51. 4. *Againſt thee only have I ſinned*, S. *Ambroſe* gives this ſenſe thereof, That *David* being King, was not ſubject to the penalties of any *humane Laws*, but the whole puniſhment of his ſin was in the hands of *God alone.* This is owned by *Vega*, to be the ſenſe alſo of S. *Hierome*, *Auſtin*, *Chryſoſtome* and *Caſſiodorus*; and he himſelf gives this as a kind of Paraphraſe upon that expreſſion, *nullum alium præter te unum in terra ſuperiorem recognoſco, I acknowledge none other beſides thee alone, my ſuperiour upon earth.* And this interpretation was received in the Chriſtian Church, as early as the

Ambr. Apol. Dav. c. 10.

Veg. in Pſ. 4. Pœnit. Conc. 2.

the time of *Clemens Alexandrinus*: and though other Expoſitions alſo have been given, this ſhews what apprehenſions theſe Chriſtian Writers had, of the nature of *Davids Regal Authority*. And this hath ſo much *evidence of truth*, that when Murder and Adultery in inferiour perſons, was puniſhed by the *Judges* of *Iſrael*, according to the Law of *Moſes*; *Davids judgment* muſt be according as God himſelf would pronounce and execute. And though God ſo far pardoned *David*, as to ſpare his life, 2 *Sam.* 12. 13. yet *his Child muſt die*, *v.* 14. even by the hand of *God*, *v.* 15, 18, 22. And God denounced againſt him, that *the Sword ſhould not depart from his houſe*, *v.* 10. whereby *Amnon*, *Abſalom*, and *Adonijah* were cut off. And the Rebellion of *Abſalom*, as a judgment which *God inflicted*, was part of the puniſhment of this ſin, *v.* 11. Sect. 2. Strom. l. 4. p. 517.

3. When there were any *corruptions* in Religion publickly tolerated, as the worſhipping in *high places* and Groves, the holy Scriptures lay the blame conſtantly upon the *King* and Prince: whereas if the people and ſubjects had the power of *defending their Religion*, and the purity thereof by the *Sword*, the fault would have been equally chargeable upon them, under the Government of their Kings. For

B. 2. C. 3. the ſame *pious ſpirit*, which would engage a good Prince, muſt alſo oblige a *pious people*, to make uſe of their *juſt power*, for the honour and ſervice of *God*: and if the Caſe had been lawful, it would have been a kind of *Martyrdom*, to hazard or lay down their lives, for the honour of God, and *defence* of Religion. But private perſons were then reputed to have done their duty, when they *ſighed* and *mourned* for the abominations of others, as they did who received the *mark* for their preſervation, *Ezek.* 9. 4. and kept themſelves unſpotted from them, as was done by the *ſeven thouſand in Iſrael who bowed not their knees to Baal*, 1 *Kin.* 19. 18. whom *Origen*, and *Nazianzen*, according to the manifeſt ſenſe of the Scriptures, account to have obſerved Gods Teſtimonies, and to have been accepted of him.

Orig. in Ep. ad Rom. c. 11. Naz. Orat. 32.

The eminent loyalty of David.

4. But the cleareſt evidence, againſt the lawfulneſs of Subjects taking Armes, under the *Kingdom of Iſrael* or *Judah*, is from the behaviour and ſpirit of *David*. The Government of *Iſrael* was peculiarly *Theocratical*, and the fundamental Law of their *Kingdom* was this, *Thou ſhalt in any wiſe ſet him King over thee, whom the Lord thy God ſhall chuſe*, *Deut.* 17. 15. Now God had *rejected Saul* and his Family,

Family, from continuing in the Government of the Kingdom of *Israel*, 1 *Sam.* 13. 14. and *Ch.* 15. 23, 26, 28. and *David* by Gods appointment, was *anointed* of *Samuel* to succeed him, 1 *Sam.* 16. 12, 13. and *Saul* himself knew that *David* was to be *King* after him, and that the Kingdom of *Israel* would be *established* in his hand, 1 *Sam.* 24. 20. only the Kingdom was not taken from *Saul* during his life, *Ch.* 26. 10 &c. And upon this account, no *subject* in the World can have a greater Plea, for *defending* himself by Force and *Armes*, than *David* had: in whose safety the *common interest* of the whole Realm of *Israel*, was in an especial and extraordinary manner included. Sect. 2.

5. Under these circumstances, *Saul* unjustly *persecuted David*, who had done him no injury, but *rewarded him good for evil*, as himself acknowledged, 1 *Sam.* 24. 9, 11, 17, 18. and his rage was so fierce, as to resolve to take away his *life*, *Ch.* 20. 31, 33. and upon *David's* account, he cruelly slew fourscore and five of the *Priests of the Lord* in one day, (and *Josephus* saith, three hundred eighty five persons of the Priestly Family, were put to death by him) and in *Nob* the City of the Priests, he smote with the edge of the Sword, both *Man*, *Woman*, *Infant*, *and Suckling*; Joseph. Ant. Jud. l. 6. c. 14.

B.2.C.3. *Suckling*; only *Abiathar* eſcaped, *Ch.* 22. 18, 19. And *Saul* forced *David* from the place of *Gods worſhip*, *Ch.* 26. 19 So that *Saul* was guilty of a great oppoſition againſt God, and the violation of juſtice; and *Davids defence* was that in which the Authority of *God*, and *Religion*, Righteouſneſs, and the common good were concerned.

6. In this Caſe, *David* who was not obliged to give up himſelf to an injuſt violence, endeavoured to avoid this by prudent ways of *eſcape*, or as our Homilies expreſs it, to ſave himſelf, *not by Rebellion, nor any reſiſtance, but by flight, and hiding himſelf from the Kings ſight.* And when God delivered *Saul* into *Davids* hands, at two ſeveral times, 1 *Sam.* 24. 10, 18. *Ch.* 26. 12. the men who were with him, were *forward* to have taken away *Sauls* life, and pleaded that God had adminiſtred an occaſion for fulfilling his *promiſe* concerning *Davids* ſucceeding *Saul*, *Ch.* 24. 4, 10. *Ch.* 26. 8. But that which prevailed with *David* to the contrary, was the ſenſe of his duty, which God had enjoined him; *obſtabat*, ſaith Optatus, *divinorum memoria mandatorum.* He repreſſeth their inclinations, and declareth it to be a great evil and guilt, *to ſtretch out an hand againſt the Lords anointed*, *Ch.* 24. 6,

Hom. againſt Rebell. Part. 2.

Opt. cont. Parm. l. 2.

24. 6, 10, 11. and *Ch.* 26. 9, 11. And in those places, he uſed words of more than ordinary deteſtation, חלילה לי מיהוה *Let evil be to me from the Lord*, or according to our *Fuller*, in his *Miſcellanies*, *wicked neſs*, or a thing abominable *from the Lord will be charged upon me*, if I ſtretch forth my hand againſt the Lords anointed. When he had cut off the *skirt of Sauls Robe*, which might reflect ſome diſhonour upon him, his heart *ſmote* him. And at laſt when the *Amalekite*, who was one of the Army of *Iſrael* under *Saul*, declared, that he did ſlay him, though at his own requeſt, and when dangerouſly wounded, and ready to fall into his Enemies hands; *David revengeth* the Death of *Saul*, by ſhedding the blood of that *Amalekite*, 2 *Sam.* 1. 15, 16. wherein he gave an high teſtimony, of the great ſenſe he had, of the unlawfulneſs of offering any *violence* and force, to a *lawful King* and Soveraign. Sect. 2. Ful. Miſc. l. 2. c. 2.

7. Nor was this behaviour of *David*, from an *unneceſſary ſcrupulouſneſs*, or timorous fearfulneſs; but this was ſo commendable, that S. *Chryſoſtome* propoſeth this inſtance as a pattern for Chriſtians to *imitate*, and declareth that *David* gained a *greater honour* hereby, and a greater *Victory*, (by having a full maſtery over his paſſions) than by his remarkable Conqueſt De Dav. & Saul. Hom. 2.

B. 2. C. 3. *This was from no ungrounded fears, but from a clear and certain knowledge of his duty.*

queſt over *Goliah.* And *David* was both a *wiſe man*, *wiſer than all the ſervants of Saul*, 1 *Sam.* 18. 30. and alſo of *undaunted courage*, and a *Prophet*, and therefore it is very unlikely, that he ſhould be guided by *miſtaken ſcruples*, in that he ſo oft conſidered, ſo earneſtly expreſſed, and which was his preſent great intereſt to underſtand. But it is very obſervable, that about thoſe very times, when he expreſſed his high *abhorrence* of ſtretching out his hand againſt *Saul*, he was under the extraordinary guidance of the Spirit of God, and then penned the fifty ſeventh, and fifty fourth *Pſalms*, (and ſome others much about that time) as appears from the titles of thoſe *Pſalms*, compared with 1 *Sam.* 24. 3-8. *Ch.* 26. 1.

R. Kimch. in Munſt. in Pſ. 57. Gr. Nyſ. l. 2. de Inſcr. Pſ. c. 2, 6, 15, 16.

8. And there have been men of good note, both among the *Jewiſh* Writers, and ancient *Fathers*, who think that thoſe words *Al-taſchith*, which are in the title of the fifty ſeventh *Pſalm*, (and ſome others) and ſignify *Deſtroy not*, have reſpect to what *David* ſpake, to hinder his men from *deſtroying Saul*, which is expreſſed in the Hebrew, and in ſeveral Copies of the *Septuagint*, 1 *Sam.* 26. 9. by the ſame words, which are in the title of that *Pſalm*. And if this be admitted, this *Pſalm* muſt expreſs, that *David* had the greater

greater *aſſurance*, and confidence in God, for his own *preſervation* and ſafety, by reaſon of his eminent *fidelity* to *Saul*; and that this was, by the guidance and inſpiration of *Gods ſpirit* which directed him herein. And the ſubſtance of this conjecture, is thus far certainly true, that *David* had from his *loyal demeanour* unto *Saul*, much inward *joy* and peace, and expectation of *Gods bleſſing* upon himſelf, as he declareth, 1 *Sam.* 26. 23, 24. in theſe full and expreſs words, *The Lord render to every man his righteouſneſs and his faithfulneſs: for the Lord delivered thee into my hand to day, but I would not ſtretch forth mine hand againſt the Lords Anointed. And behold as thy life was much ſet by this day in mine eyes, ſo let my life be much ſet by in the eyes of the Lord, and let him deliver me out of all tribulation.* Sect. 2.

9. When the ſeventh Pſalm was penned, whoſe Title is, *concerning the words of Cuſh the Benjamite*, ſome ancient *Verſions* expreſly refer this to *Saul* the Son of *Kiſh*. And many good Expoſitors do, with much reaſon, judge, that when *David* was accuſed by *Saul* himſelf, *of lying in wait againſt him*, 1 *Sam.* 22. 8. and by others of *ſeeking his hurt*, Ch. 24. 9. *David* in this Pſalm under the Conduct of Gods Chald. Par. Verſ. Vulg. Grot. Vatabl. Munſt. in loc.

B. 2. C. 3. Gods *Infallible Spirit*, declareth His Abhorrence of ſuch things as being very *wicked*, and deſerving ſevere puniſhment, in theſe words; *O Lord my God, if I have done this, if there be iniquity in my hands. If I have rewarded evil to him that was at peace with me; Yea, I have delivered him that, without cauſe, was mine Enemy. Let the Enemy perſecute my Soul, and take it*, &c. *v.* 3, 4, 5. And even they who rather interpret the Title, to relate to the words of *Shimei*, muſt grant the like ſenſe to be intended in theſe verſes.

He here acted not the Politician, but obſerved the rules of Conſcience.

10. And leſt any ſhould think, *Davids* expreſſions, and eſpecially his killing the *Amalekite*, to be the actions of a *Politician*, for the better ſecuring his own Government; though this be ſufficiently refuted in what I have ſaid above, I further add; 1. That he had plainly declared the Sin and Guiltineſs of *diſloyal Acts* of violence, at ſuch times when mere Policy, if conſidered as abſtract from Duty, might have prompted him to free himſelf, from a potent, deadly, *irreconcileable Enemy*, and thereby to gain the Poſſeſſion of the *Crown*. 2. That if *David* had ſhed the blood of the *Amalekite*, without reſpect unto *juſtice*, and only to ſtrike an awe into others, whilſt he believed he did not deſerve death; this had been a deſignedly

edly contrived *wilful murder*, to gratifie his own luſt; and would have been a ſin, at leaſt as deeply dyed, as the *Murder of Uriah*; which yet with its attendants, is accounted the *ſingular ſtain* and blemiſh in the Life of *David*, 1 *Kin.* 15. 5. And therefore *Davids* Deportment in things towards *Saul*, was, as *Gr. Nyſſen* expreſſeth it, becauſe he judged it ἀθέμιτον an *unlawful and unjuſt thing* to have done otherwiſe, and what he ſaid and did was *in the fear of God.* Sect. 3. Gr. Nyſ. ubi ſup. c. 17.

SECT. III.

Objections from the behaviour of David, *anſwered.*

1. It may be firſt objected, that *Davids* Carriage reacheth not ſo far, as to condemn all *taking Arms* againſt a *Soveraign Prince*, but only ſuch force, where aſſaults are made, or violence offered unto his *Perſon*; and towards ſuch a Perſon too, who was particularly anointed by *Gods eſpecial Command.* Grot. de J. B. & P. l. 1. c. 4. n. 7. Ruth. of Civ. Pol. Qu. 31. & Qu. 10.

Anſ. 1. The words of *David* do indeed directly condemn hoſtile Acts, againſt the *Perſon of the King*: But his proceeding upon this ground, becauſe *Saul* was the *Lords anointed*, or one appointed by *Gods*

B.2.C.3. *Gods Authority*, and inveſted with his Power, muſt alſo condemn acts of violence againſt his Power and *Authority*, derived from God. 2. Forcible oppoſing the *Kings ſtrength*, doth naturally tend to expoſe his *Perſon* alſo to violence; for if his ſtrength be ſubdued, what defence remains for his Perſon againſt the fury of his *Enemies*, or the rage of *Aſſailants*, we may learn from the Hiſtory of our Civil Wars, and our late *good Soveraign*. But *David*, whoſe heart *ſmote* him for cutting off the lap of *Saul*'s Garment, whereby he might fall under ſome appearance of *diſhonour* or diſgrace, would much more avoid what might bring him into *real danger*. And it is very conſiderable, that when *David* had the opportunity of coming upon *Saul* and his *Army*, when God had caſt them all into a *deep ſleep*; he not only ſpared *Sauls Perſon*, but did not offer any violence to any *ſingle man* in the whole Army, 1 *Sam.*26. 7,8,12,16.

David not only repreſſed violence againſt the perſon of Saul, but reverenced his authority.

2. And 3. there could be nothing more contained under the Rite of *anointing* by Gods Command, than to expreſs, in the firſt fixing a Governour or Government, that this was *appointed* and approved by God. To which purpoſe, *Joſephus*, who was well acquainted with the ſence of the Jewiſh Phraſes, doth give ſuch Paraphraſes of *the Lords anointed* as theſe, ὑπὸ τῆς

Ant. Jud. l. 5. c. 7.

τῦ θεῦ βασιλέας ἀξιωθεὶς, *one who was by God advanced to the Kingdome*, and ὑπὸ τῦ θεῦ χειροτονημένος, *one ordained of God*; and in the Septuagint, משח to anoint, *is* in 2 *Sam.* 3. 39. rendred by καθίστημι to *conſtitute*. And it was not ſo much the uſe of any outward *anointing* by a Prophet or any other, as the Authority *ordained of God*, which was chiefly to be conſidered in them, who were acknowledged to be the *Lords Anointed*. For *Cyrus* was called *the Lords Anointed*, though no ſuch Unction was uſed among the *Perſians*, *Iſai.* 45. 1. And in the Kingdom of *Judah*, *Maimonides* and other Jewiſh Writers tell us, that no King was anointed, who was the *Son of a King*, and came to the Crown by manifeſt and undoubted *Succeſſion*; and yet theſe Kings, ſuch as *Jehoſaphat*, *Hezekiah*, and *Joſiah*, were nevertheleſs to be honoured. Only *Salomon*, *Joaſh*, and *Jehoahaz* were anointed, becauſe of ſome different claims of *ſucceſſion*, or interruption of the true right, but not by any ſpecial *divine command*. But all other Power and Authority, as well as that of *Saul*, is *ordained of God*, *Rom.* 13. 1, 2. Sect. 3. Buxt. Lex. Rab. in משח Schickard de J. R. Heb. c. 1. Theor. 4. Abarb. in Ex. 30. de Unct. c. 8.

3. But the chief thing here objected is, that there are appearances of evidence, that *David* did *take up Armes* againſt *Saul*, and under- De jure Magiſ. in ſubdit. qu. 6.

XUM

B. 2. C. 3. Grot. ubi sup. Quòd nisi ad vim arcendam, si inferretur?

undertook the defence of himself by *force*: and three things are alledged in proof hereof. The first thing produced is, that *David* was Captain over *four hundred men*, 1 *Sam.* 22. 2. and then over *six hundred*, *Ch.* 23. 13. and a far greater number came to him to *Ziklag*, who were called *helpers of the War*, 1 *Chr.* 12. 1. And

Ruth. *of Civ. Pol.* Qu. 32.

Mr *Rutherford* again and again saith, that these Armed men who came to *Ziklag*, came *to help David against Saul*; but the

Davids *six hundred men not intended to make War against* Saul.

Scripture saith not so. *Ans.* 1. *David* having been a person of chief eminency both in *Sauls Court*, and the *Armies of Israel*, and being Son-in-law to the King; and especially being next *Successor* to the Kingdom, by Gods peculiar appointment, might upon Principles of Prudence, entertain a considerable *retinue* about him, for the upholding his own *honour* and fame, for his safeguard against *private assaults* and outrages, and as an useful method to prevent his being surprized by *Saul* unawares, of whose motions these men could give him *sufficient intelligence*. And this might also be done by Gods direction, *Samuel* being present with *David* in the time of his flight, as both the Scripture

Ant. l. 6. c. 14.

and *Josephus* observe, 1 *Sam.* 19. 18--22. and the Prophet *Gad* also, who gave him *advice*, 1 *Sam.* 22. 5. But it is also further

ther to be conſidered, that when *David* left the Coaſt of *Iſrael*, and went into the *land of the Philiſtines*, he took his *ſix hundred men* with him, 1 *Sam.* 27. 2. and greatly encreaſed his numbers there, 1 *Chr.* 12 *v* 1.--- 23. when yet there was no deſign of *taking Armes* againſt *Achiſh*, in whoſe Kingdom he abode for his own ſafety. But all this was done, in part for the ends abovementioned, and alſo in an eſpecial manner, that theſe faithful and *valiant men* might be ſerviceable to him and his intereſt, when the way ſhould be open for his *ſucceeding* in the Kingdom of *Iſrael*. And the encreaſe of *Davids Companies*, and the conſtant *reſort* to him, was the method which Gods providence made uſe of, in bringing him to ſit upon the *Throne of Iſrael*. And whereas theſe men are called *helpers of David*, and *helpers of the War*, 1 *Chr.* 12. 1. 22. it is manifeſt they were ſo, againſt the *Geſhurites* and *Amalekites*, 1 *Sam.* 28. 8. *Ch.* 30. 17. and againſt the *houſe of Saul* after his death, 2 *Sam.* 2. 8, 17. *Ch.* 3. 1. and the *Jebuſites*, 2 *Chr.* 11. 4. *&c.* and other Enemies with whom *David* made *war:* but they could not be helpers in the War againſt *Saul*, with whom *David* never waged *war*. Sect. 3.

4. *Anſ.* 2. As this is the true account

B.2.C.3. of *Davids* retaining ſuch numbers about him, ſo we have further evidence, that he never deſigned them for any *War againſt Saul.* For whileſt *Saul* himſelf was under a great *conſternation* and fear of *David*, as *Joſephus* ſaith, and the holy Scriptures intimate, and *David* with his ſix hundred men, was by Gods aſſiſtance able to vanquiſh the *Army of the Philiſtines*, who had Invaded *Iſrael*, and Beſieged one of *Sauls* ſtrong Towns, 1 *Sam.* 23. 5, 13. and with his encreaſed number, to *ſubdue* the Hoſt of the *Amalekites*, 1 *Sam.* 30. 17. it is hereby manifeſt, that it was not his *inability*, but his Conſcience of his *duty*, that kept him from his ever uſing his ſtrength, againſt the *Army of Saul.* And yet there are great appearances of proof, that *Davids* valiant Men who *vanquiſhed* theſe other Armies, had he been willing, would have been forward enough to have engaged againſt *Saul*, as is expreſsly declared in the *Syriack* and *Arabick* verſions.

Joſ. ibid. p. 195.

Verſ. Syr. & Arab. in 1 Chr. 12. 1.

5. A Second thing urged is, That *Abigail* commended *David*, for his *fighting the Battels of the Lord.* And not only *Junius Brutus* and ſuch others, but *Grotius* alſo in the firſt Editions of the Book above mentioned, will have the *Wars of the Lord* to be underſtood, not concerning his former *Battels*, which he had fought

De jur. Magiſtr. ibidem.

Jun. Brut. Vind. Qu. 2.

Grot. ubi ſup. fine Annot. An. 1625.

fought againſt the *Philiſtines*, but of his preſent gathering *Forces in Judah*, 1 *Sam.* 25. 28. But to interpret this of *Davids* gathering of Forces againſt *Saul*, is a wonderfully ſtrange and unreaſonable interpretation, becauſe, 1. *David* never fought any *Battel* at all, againſt the Armies of *Saul*. 2. Nor is it imaginable, that when *Abigail* declared what peace *David* might afterward have, in *not revenging* himſelf on *Nabal* by ſhedding blood, and diſſwades him from it, leſt afterward it ſhould be *grief* unto him, 1 *Sam.* 25. 26, 31. (for which advice *David bleſſed God* who ſent *Abigail*, and was ſenſible that it kept him from doing evil) that ſhe ſhould at the ſame time applaud his ſhedding blood, to *avenge* himſelf againſt *Saul*. 3. The order of the words, *v.* 28, 29. נלחם *thou haſt fought the Lords Battels*, and ויקם אדם *and a man* (or rather, yet a man) *is riſen up to purſue thee*, do moſt probably ſhew, that this muſt refer to *Battels* fought, before *Saul* did purſue *David*. And it is well obſerved by *Barclay*, that theſe words ought to be referred to the Wars *David* undertook againſt the *Enemies of Iſrael*, and of *Saul*, who when he became *Sauls* General, had this charge given him; *Be valiant for me and fight the Lords Battels*. 4. Theſe words, *v.* 28. *The Lord*

Sect. 3.

David *his fighting the Battels of the Lord, was no acts of force againſt* Saul.

Barcl. adv. Monarchom. l. 4. c. 19.

1 Sam. 18. 17.

B. 2. C. 3. *will certainly make my Lord a ſure Houſe becauſe my Lord fighteth*, or hath fought *the Battels of the Lord*, if they ſhould be underſtood of his actings againſt *Saul*, are directly contrary to the ground of *Davids hope* in Gods protection above-mentioned; which was not from his acting by *violence* againſt *Saul*, but from his patient ſubmiſſion, and refuſing to *avenge* himſelf.

Grot. in 1 Sam. 17. 47. In Cap. 25. 28. 5. *Grotius* elſewhere cloſeth with a quite different ſenſe, and ſaith, thoſe were called the *Battels of the Lord*, which were againſt the *Canaanites*, and ſuch other people as God had devoted to deſtruction, being *populi damnati*. And this is indeed true, but withal even other Wars undertaken by the will of God, againſt *publick Enemies* to the Children of *Iſrael*, and the God of *Iſrael*, are comprehended under the *Wars of God*, as may appear from 1 *Chr.* 5. 22. 2 *Chr.* 20. 15. And *Grotius* alſo in the *latter Editions* of his Books, *De Jure belli & pacis*, hath wholly ſtruck out that which concerned this ſtrange interpretation, concerning the *Battels of the Lord*.

De jur Magiſtr. ibidem. Jun. Brut. ubi ſup. Ruth. of *Civ. Pol.* P. 344. 6. The laſt thing inſiſted on is, that *David* had thoughts of continuing in *Keilah*, a place of ſtrong *defence*, 1 *Sam.* 23. 7, 10, 11, 12. and therefore his intention muſt have been, to have kept it as a *Garriſon*

riſon againſt the Forces of *Saul*. *Anſ.* 1. *David* did ordinarily reſide in *ſtrong holds* in the Wilderneſs, ſometimes in one, and ſometimes in another, without any deſign to keep them as Garriſons againſt *Sauls* Army; only making uſe of them as ſafe and convenient places, to abide in for a time, till he thought fit to remove, 1 *Sam.* 23. 14, 19, 29. 2. It was manifeſtly *Davids* aim, by his having *ſpies* abroad, to give him *intelligence* of *Sauls* motion, and by his own frequent *diſcamping*, to keep at ſuch diſtances from *Saul*, and to make ſuch eſcapes, that he ſhould not *find* him out: and herein Gods providence took particular care of him, 1 *Sam.* 23. 14, 17, 22, 23, 26. *Ch.* 26. 1, 4. *Ch.* 27. 1. 3. The truth of what appears concerning *Davids* intention, relating to *Keilah*, is this, that *David* purpoſed to have made ſome ſtay in that place, which he had then *reſcued* from their Beſiegers the *Philiſtines*. But underſtanding that *Saul* intended to *deſtroy* that place, if they ſhould *harbour* him and not *ſeize* on him, and that they for their own ſecurity would hinder his further *eſcape*, if he ſhould continue there, and would lay hold on him, and *deliver him up to Saul*, he timely prevented this danger, by a ſpeedy removal, *Ch.* 23. 7--12.

Sect. 3. *Of his purpoſe for abiding in* Keilah.

SECT. IV.

Divers Objections from the Maccabees, *Zealots*, Jehu, *and others anſwered.*

1. Among other Objections, I ſhall not need to take notice in this place, of the pretences for a *conſtant power* among the Jews, ſuperiour to the Regal. The Romaniſts indeed are ſometimes forward to aſſert, the *Prieſt* to have been above the *King*, as *Bellarmine* affirms, that after *Moſes*, *ſemper præpoſitus erat Pontifex Principi.* And others beſides thoſe I have before mentioned, ſpeak the like of the *Synedrial power:* inſomuch that when *Grotius* did in his Book, *de Imperio*, aſſert ſome of the pretended Synedrial Authority, to have been in truth fixed in the King, ſaying, *hoc ipſum Synedrii jus, regni tempore videtur fuiſſe penes Reges*; *Blondel* in his *Scholia* upon that place, on the contrary aſſerts, that this *Sanhedrim* did judge the King, *imo de Regibus Synedrium judicavit.* And if either of theſe pretences were true, it muſt alſo be granted, that a ſuperiour authority may lawfully make uſe of *force*, towards an inferiour power, when it be neceſſary ſo to do. But theſe things are ſufficiently refuted in the former Book,

Bellarm. de Offic. Princ. c. 4.

Sch. ad Grot. de Imp. S. p. c. 10. n. 17.

B. 1. Ch. 3.

to

to which I remit the Reader, and proceed to ſatisfy other Objections. Sect. 4.

2. *Obj.* 1. It is urged, that in the *Jewiſh Church* Armes might lawfully be taken, in the defence of their *Religion* againſt their *Soveraign*, from the inſtance of the Wars of the *Maccabees*. The *Maccabees* are generally commended, and very probably by the Apoſtle, *Heb.* 11. 34, 35, 37. and by ſome of the *Prophets*. When *Antiochus Epiphanes* polluted the Temple, and did proſtitute the Jewiſh *Religion* and *Laws*, and commanded the Jews to offer *Sacrifice* after the manner of the *Heathen*, *Mattathias* and his Sons being *zealous* for the Law, took up *Armes* againſt him, 1 *Mac. Ch.* 1. and *Ch.* 2. which were chiefly managed, after the Fathers Death, by *Judas Maccabæus*: This inſtance is produced by *Junius Brutus*, and *Grotius*, as a lawful War againſt their lawful Soveraign. And of this Caſe Mr *Thornedike* hath theſe words, *It is manifeſt that the Armes which the Maccabees took up againſt* Antiochus Epiphanes, *their lawful Soveraign, are approved by God; not only as foretold by* Daniel *and* Ezekiel, *and other Prophets; but alſo becauſe the Apoſtle manifeſtly commendeth their faith: on the other ſide it is manifeſt, that they juſtified their Armes upon the title*

Of the wars of the Maccabees.

Brut. Vind. Qu. 2. p. 61. Qu. 3. p. 199.

Grot. de J. B. & P. l. 1. c. 4. n. 7.

Right of Church. Ch. 5. p. 306.

B.2.C.3. *of Religion.* Now it is obvious, that as this Caſe ſtands thus repreſented, it is the very ſame in which the *Primitive Chriſtians* refuſed to make *reſiſtance*, and which Mr *Thorndike* will not allow under Chriſtianity.

3. *Anſw. Antiochus Epiphanes* againſt whom the *Maccabees* fought was no lawful *Soveraign* in *Judea*, but an *invader.*

Grot. ibid. This aſſertion is indeed rejected by *Grotius*, pretending that he had the right of ſucceſſion from the *Macedonian* power: ſaith he, *quòd quidem hæc arma eo titulo defendunt, quaſi Antiochus non Rex ſed invaſor fuerit, vanum puto.* But though there is ſome difference amongſt Hiſtorians, concerning the diviſion of the *Grecian Empire* after the death of *Alexander*, I ſee no reaſon to doubt, of the account given by *Joſephus* concerning *Judea.*

Joſ. Ant. l. 12. c. 1. Cont. Apion. l. 1. He tells us that then *Egypt*, and alſo *Judea*, was under *Ptolomæus* the Son of *Lagus*, (not *Seleucus*, from whom *Antiochus Epiphanes* did deſcend) who giving the *Jews* ample *priviledges*, took of them an *Oath of Fidelity to him and his Poſterity*; and that they were then under *Ptolomæus*, he cites the Teſtimony alſo of *Agatharcides Cnidius* an ancient Hiſtorian, who wrote

Antiq. l. 12. c. 3. the Acts of the *Succeſſors* of *Alexander.* And *Judea* continued under the *Egyptian*

gyptian Ptolomyes above an hundred years, Sect. 4.
until *Antiochus Magnus* gained it by Conqueſt, but enjoyed it a little time, reſtoring it as part of the Portion of *Cleopatra* his Daughter, whom he gave in Marriage to *Ptolomæus Epiphanes*. But this *Ptolomy* dying, *Antiochus Epiphanes* in the Minority of his ſon *Ptolomæus Philometor*, overcame him, and being invited by a Seditious party, *invadeth Judea*, taketh *Jeruſalem*, and exerciſeth himſelf there in *cruelty* and *impiety*, *Joſep. l.* 12. *c.* 6, 7. *& Prol. de Bel. Jud.* And under theſe circumſtances *Mattathias* and his Son *reſiſted* him by War, *Joſep. Ant. l.* 12. *c.* 8. *de Bel. Jud. l.* 1. *c.* 1, 2.

4. Now a *violent poſſeſſion* of what he had no juſt claim to, was far from being a Title of right. And therefore the *Jews* might very lawfully endeavour by *Arms* to recover their *rights*, their Country, and the liberty of Religious Worſhip, from the forceable violence of an *open Enemy*, and an *invader*, who had cruelly *oppreſſed* them about three years. Indeed he is ſometime ſtiled the *King*, being truly *King* of *Syria*, but by no right *King of Judea*; but other times in the Book of the *Maccabees* he and his Forces are ſtiled *Enemies*, 1 *Mac.* 2. 7, 9. *Ch.* 13. 51. and the like in *Joſephus*, who againſt *Apion* declareth,

B. 2. C. 3. clareth, that *Antiochus* came as an Enemy, Cont. Apion. l. 2. againſt them who were his Friends and Confederates, *nos ſocios & amicos aggreſſus eſt*, ſaith the Latine Tranſlation, the ordinary Greek being there defective.

The Wars of the Judges. 5. Of the ſame nature alſo were the Wars of *Barak*, againſt *Jabin* King of *Canaan*, of *Gideon*, againſt the *Midianites*, and of *Othniel* againſt *Cuſhan Riſhathaim* King of *Meſopotamia*; and alſo the acting of *Sampſon* againſt the *Philiſtines*, and of *Ehud* againſt *Eglon*. For none of theſe Princes againſt whom theſe *Judges* took *Armes*, or towards whom they did acts of violence, had any juſt right of Superiority and Soveraignty over *Iſrael*, but they had injuriouſly invaded and oppreſſed them: and it is very uſual with Scholaſtick Writers to give the inſtance of *Eglon*, for one who was *Tyrannus titulo*, or an Uſurper, having *no juſt Title*. And beſides this, ſince God reſerved the diſpoſal of the *Government of Iſrael* peculiarly in his own hand; and he *raiſed up* and ſent all theſe *Judges*, *Jud.* 3. 9, 15. *Ch.* 4. 6. *Ch.* 6. 14. *Ch.* 13. 25. 1 *Sam.* 12. 11. and ſignified this to *Barak* by a *Propheteſs*, and to *Gideon* by an *Angel*; by this means the *Soveraign power*, ſo far as concerned the undertaking com-

D. Sot. de Juſt. & jure l. 5. Qu. 1. Art. 3.

Leſſius de Jaſt. l. 2. c. 9. dub. 4.

committed to them, was placed in them. Sect. 4.

6. But it may be further objected, that it is declared by very good Authors, and men well acquainted with the Jewiſh State, and their Writers, that in ſome caſes, eſpecially againſt the practicers of *Idolatry*, private perſons out of a *zeal for God* and *Religion*, might make uſe of the power of the *Sword*, *jure zelotarum*, following the example of *Phinehas*. And they who embrace this Notion, do not confine this to *private* caſes, as if any of the Jews might lawfully kill an *Idolater*, as other perſons may do him who makes an *actual aſſault* againſt their King, or is an *aggreſſor* to deſign their murder: But *Grotius*, *Selden*, Dr *Hammond*, and Mr *Thorndike*, ſeem to allow the undertaking of the *Maccabees*, to be grounded upon this right of *Zealots*. And then it muſt be granted, that it might alſo be lawful for other private perſons to *take Armes* in like caſes. And there are ſuch inſtances as theſe produced, to prove this right of *Zealots*, in *Phinehas* killing *Zimri* and *Cozbi*, *Elijah* ſlaying *Baals Prieſts*, and calling *fire* from Heaven on the Captains of the Fifties, our *Saviours* driving the *money-Changers* out of the Temple, and ſuch like, beſides the actings of the *Maccabees*. Now it might be ſufficient to ſay, that

The right of Zealots examined.

Grot. de J. B. & P. l. 2. c. 20. n. 9. Seld. de Jur. nat. & Gent. l. 4. c. 3, 4, 5. de Syned. l. 2. c. 14. n. 3. Dr. Ham. *Tract of Zealots. Right of* Ch. Ch. 5.

B.2. C.3. that if the right of *Zealots* ſhould be allowed, provided it extended it ſelf only to *private caſes*, which is as much as any probability of proof can reach, the duties of *Subjection*, and the Authority of Government, might ſtill poſſibly remain *inviolable*. But becauſe I am further prone to think that the grounds and inſtances upon which this whole notion is built are miſtaken, I ſhall offer to the Readers conſideration theſe three things with reſpect thereto.

7. Firſt, that it muſt needs be a great *diſorder* in Government, and a foundation of much diſturbance and evil, if every *earneſt ſpirited man* were allowed, in the heat of his *zeal*, to put himſelf into the place of a Magiſtrate, and to execute *judgment of death*, upon whomſoever he accounted an *offender* againſt *God* and his Religion. I acknowledge that in the declining time of the Jewiſh Government many actions were undertaken, only under the pretence of ſuch a *zeal*, which were in truth, acts of *fury*; and they were ſo far from being *warrantable*, that they did abundantly manifeſt the dangerouſneſs of admitting ſuch pretences. Both *Grotius* and Dr *Hammond* account the ſtoning of St. *Steven*, and the conſpiracy of more than forty Jews, not to eat or drink till they

Grot. & Ham. ubi ſup. & in Act. 7. 57.

they had ſlain *Paul*, to be done by the ſpirit of the *Zealots*, which were things *riotous* and outragious, which may not be juſtified, nor may the like be tolerated under any *Government*. And by the prevalency of this ſort of men who were called Zealots, there was very much *cruelty* exerciſed in *Judea*, many of their Nobles and chief perſons were ſlain, and by *Joſephus* they are accounted to have contributed much to occaſion the *deſtruction of Jeruſalem*. But theſe practices were not regular or guided by any accountable rules, but were greatly exorbitant. And if private perſons taking the *Sword*, and killing thoſe who *depraved* Religious *Worſhip*, had been a thing lawful and commendable in the Jewiſh State, upon this *right of Zealots*; It may well be wondred that none of the *Prophets* did ever put the people upon *vindicating* their Religion by this Method, under thoſe bad *Kings of Iſrael* or *Judah*, in whoſe days the worſhipping of *Baal* was openly practiſed.

Sect. 4.

Dr. *Ham. in* Mat. 10. *c.*

Joſ. de Bel. Jud. l. 6. c. 1.

8. Secondly, ſeveral worthy actions, pretended to be undertaken by the right of *Zealots*, were warranted, according to the ordinary rules of Government, by other *ſufficient Authority*; though a zeal for the Honour of God, made the perſons

B.2.C.3. ſons more forward and active. Such I ſuppoſe was the action of *Phinehas*, *Numb.* 25. 7, 8. in purſuance of *Moſes* his ſentence of *judgment*, *v.* 5. as alſo the War undertaken by *Mattathias* and his Sons, and *Mattathias* his killing the Jew, who, in obedience to the command of *Antiochus*, openly ſacrificed according to the manner of the *Heathen*, 1 *Mac.* 2. 23, 24, 25. For by the ſame right whereby he might *take Armes* for his Country and Religion, againſt *Antiochus*, he might alſo act againſt thoſe who took part with *Antiochus* againſt them.

9. Thirdly, In the Jewiſh Commonwealth which was peculiarly ordered by God, ſome *Prophets*, and men extraordinarily inſpir'd, not other zealous men at large, were *empowered* by *Gods Authority*, to do ſome extraordinary actions, which otherwiſe had not been warrantable; and it is by this ſpecial *authority of God*, not by their own *zeal* only, that ſuch things were allowable. To this Head may be reduced, *Samuels* and *Elijahs ſacrificing*, though they were not Prieſts, *Samuels anointing Saul*, and *David*; and the young Prophet who was ſent by *Eliſha*, his *anointing Jehu*, 2 *Kin.* 9. 3, 6. And of this nature were the actions of *Elijah* above-mentioned, *Samuel* hewing *Agag* in pieces,

pieces, and our Saviours driving out of the Temple them who ſold *Sheep*, *Oxen* and *Doves*, and over-throwing the Tables of the *Mony-changers*, *Joh.* 2. 14. 17. *Mar.* 11. 15. For though theſe things were only done in the remote parts of the utmoſt Court, and with reſpect to the *Sacrifices* and *Offerings* of the Temple; they were a profanation of the Temple, being managed by the undertakers in that place as a *Trade*. And of this nature was *Moſes* his killing the *Egyptian*, as appears, *Act.* 7. 24, 25. Sect. 4. L'Empereur in Midd. c. 2. ſect. 3. & in ſciagraphia Templ.

10. The inſtance of *Athaliah*, being rejected from being Queen over *Judah*, and ſlain by the direction of *Jehoiadah*, is frequently urged by diverſe *Romiſh writers*, to prove the Superiority of the *Jewiſh High Prieſt* over the Prince: and it is alſo urged more generally by ſome others, to ſhew that the *People* did warrantably deprive her of *Princely power*. But *Jehoiadah*, as a good Subject, acted by the Authority of *Joaſh*, the true and rightful King, againſt her who was a plain *Uſurper*. And that *Jehoiadah* was not the High Prieſt may appear ſomewhat probable, becauſe he is not mentioned in the *Catalogue* of the High Prieſts in the *Chronicles*, 1 *Chr.* 6. 11--15. nor in that of *Joſephus*. *Of Athaliah.* Bell. de Rom. P. l. 5. c. 8. J. Brut. Qu. 2. Ruth. *civ. Pol.* Qu. 28. p. 264. Ant. Jud. l. 10. c. 11.

11. Whereas *Jehu* took Arms againſt *Joram*, *Of* Jehu *conſpiring againſt* Joram.

B.2.C.3. *ram*, and *ſlew* him, 2 *Kin.* 9. 24. and cut off *Ahabs Houſe*, for which God *commended* him, 2 *Kin.* 10. 30. this was no taking Armes againſt a *Soveraign King*. For God reſerved to himſelf the right of diſpoſing the Soveraignty of the *Kingdom of Iſrael*, and by his particular direction were *Saul*, and *David*. and *Jeroboam*, made Kings. But none of *Ahabs Family*, whoſe Son *Joram* was, ever had any ſuch deſignation by Gods appointment: but *Jehu* before he took Armes, was by the command of God *anointed* to be King, and commanded to cut off the *Houſe of Ahab*, 1 *Kin.* 19. 16. 2 *Kin.* 9. 6, 7. So that *Jehu* his taking Armes, was by a true *Regal Authority*, againſt him who either never had a *right* to the Kingdom, or at leaſt was now totally *deprived* thereof, by Gods ſpecial *Declaration*. And this makes the Caſe of *Jehu* towards *Joram*, to differ much from that of *David* towards *Saul*.

Of the people ſaving Jonathans life.

12. It hath alſo been urged, That when *Saul* reſolved that *Jonathan* ſhould dye, *the people reſcued him*, as our Tranſlation rendreth it, 1 *Sam.* 14. 45. But the *Septuagint* expreſſe it by προσηύξαντο, *the people prayed* or *worſhipped* for *Jonathan*. And the true ſtate of this affair was this. *Saul* deſirous to proſecute his victo-

ry

ry againſt the *Philiſtines* to the utmoſt, *adjureth* the people of *Iſrael*, that no man *eat any food until the evening*, and threatneth *death* to him who ſhall do otherwiſe, *v.* 24, 39. *Jonathan* who wonderfully gained that *victory* being abſent, and not hearing this *adjuration*, taſted a *little Hony*, *v.* 27. Hereupon *Sauls vow* or *Oath* being not performed, and God being *offended* therewith, and ſearch made after the *tranſgreſſion*, *v.* 37, 38. *Jonathan* was taken, whom *Saul* condemneth to *dye*, for the expiation of this Tranſgreſſion, *v.* 43, 44. Now here *Jonathans* life became *due to God* by a ſingle *vow*, and not that of *Cherem*; and therefore his caſe did admit of *Redemption* according to the Law, *Lev.* 27. 2. And upon this account it is ſaid of the People וַיִּפְדּוּ and *they redeemed him*, (which our Tranſlation calls *they reſcued him*) i. e. *ſubſtituted* with a general conſent, and deſire of the People, an *Offering for the vow*, which *Joſephus* expreſſeth thus, *they did* ποιεῖν εὐχὰς τῷ Θεῷ, *offered Offerings to God for the vow*: which Offerings for a Vow, are uſually called εὐχαὶ in the *Septuagint*, as in *Lev.* 7. 16. *Deut.* 12. 6. And by this means was *Jonathan reſcued* or *delivered* from Death, not by any Act of Hoſtile *violence* which the people offered to *Saul*,

Sect. 4. Rutherf. ibid. qu. 32. p. 348.

Joſeph. Ant. l. 6. c. 7.

Biz. C. 4 but by an Act of *Religion* which they performed unto God. And since it was God who required the *performance of the Vow*, this Offering was the way to *appease* him, and thereby *secure Jonathan*, which the use of violence against *Saul* could never have done.

Of Azariah *withstanding* Uzziah. 13. The instance of *Azariah* the Priest and eighty other Priests, who being men of *courage*, *withstood Uzziah* the King, when he undertook to *offer Incense*, 2 *Chr* 26. 17, 18, 19, 20. is by some persons both Romanists and others insisted upon. But their proceedings were not managed with weapons of *War*, but with sharp *reproofs* and *admonitions*. And whereas it is said in our Translation, *v.* 20. *they thrust him out*; the Hebrew word ויבהילו may properly be rendred *they hastened him*, and no more can be proved from it; and it is so expressed in this Text, by the best Copies of the *Septuagint*, κατεπειγον, and by several other Translations: and the same word is used for *hastening*, but without any offering *violence*, *Est.* 6. 14. *Josephus* also expresseth this action of the Priests to this purpose, that they *required* or charged him to go out of the City, being smitten with Leprosie, ἐκέλευον ἐξιέναι· And this is nothing like *making War*.

Ant. l. 9. c. 11.

14. Some

14. Some other things have been objected, but of ſo little weight or appearance of evidence, that it is needleſs to mention or refute them, or to add any thing more, for the vindicating that part of *Soveraignty* to the Kings under the *Old Teſtament*, that *it was not then lawful for ſubjects to take Armes againſt them.* Sect. 4.

CHAP. IV.

The Rules and Precepts delivered by Christ, *and his* Apostles, *concerning Resistance, and the Practice of the* primitive Christians *declared.*

SECT. I.

The Doctrine delivered by our Saviour *himself.*

The Rights of Princes upheld by Christianity.

1. FRom the foregoing Chapters, which have shewed, that *non-resistance* of Subjects against their Soveraign, is a duty according to the principles of *common equity*, and which did take place in the political Constitutions, under the time of the *Old Testament*; we might make a reasonable inference, that the same must abide and continue a duty under the times of *Christianity*: For our Saviour intended to promote and establish *righteousness*, goodness and peace; and therefore would never give liberty to violate the great duties of *Subjection*, by which violation the *peace* of the World would be much disturbed, the duties of *meekness* banished, and the practice of *humility* and *obedience* rejected,

jected, which are so much aimed at in his Doctrine, which commands his Followers to *take up the Cross.* Sect. 1.

2. That he took care of the preservation of the just *Royalty* and Right of Princes, and did not intend to debase, lessen or diminish that *Sovereignty* and Authority, which they had a right before to enjoy, is well observed by *Grotius*, to be included in those words of his, *Mat.* 22. 21. *Render unto Cæsar the things which are Cæsars*, and from other expressions of the Scripture, which can have no less import. And this Text will appear the more considerable, if we take notice, that it was *Tiberius* who was then *Cæsar*, when our Saviour delivered this Precept. For *Tiberius* was a man, whose cruelty even to his nearest Relations, and his *drunkenness* rendred him infamous; and his *Lusts* were so excessive, that *Suetonius* saith, *vix ut referri audirive, nedum credi fas est, it is scarce to be allowed that this should be related, heard or believed.* He was so far from being a friend to the Jews, that he would not allow them the exercise of their Religion at *Rome*, inflicted on them great *penalties*, and dispersed the youth of *Judea* into other less noble Provinces. Under his Government, to the great offence of the Jews, the *Images of*

Gr. de J. B. & P. l. 1. c. 4. n. 4.

From our Saviours Precept in the time of Tiberius.

Suet. in Tib. n. 44.

Ibid. n. 36.

Jos. de Bel. Jud. l. 2. c. 14. gr. Ant. Jud. l. 18. c. 4. 5.

B. 2. C 4. *Cæsar* were brought into *Jerusalem* by *Pilate*, and the Treasures of the Temple in their *Corban* were taken out. And in his time also, was the *Jewish Sanhedrim* deprived of their Power, of inflicting capital punishments, *Joh.* 18. 31. And his Government was so far from defending, and maintaining the true *Christian Religion*, that under it, and by the sentence of his President, the *Holy Jesus* was *crucified*, and St. *James* killed with the *Sword*: And yet our Saviour in his days required the rights of *Soveraignty* to be preserved. And this was commanded, though the Jews were *tributary* to *Cæsar*, whose right over them was founded upon the *Roman Conquest*, and the *Submission* which they had thereupon for many years yielded; and the very *tribute-money*, upon sight of which our Saviour gave this Precept, is related by some Writers to have had upon it an *Inscription* expressing the years from the *Roman Conquest* over *Judea*, and consequently of the Jews being *subdued* into Subjection; whereas *free Subjects* towards their natural Prince, have greater motives and obligations to *honour* and obedience.

Dr. Ham. *Annot. on* Mat. 22. 20.

From the Reproof given to St. Peter.

3. But the clearest account of the *Doctrine*, and *Practice* also of our Saviour, against Subjects taking *Arms*, may be had from

from what he declared to this purpose, Sect. 1.
when himself was seized on by the Souldiers, the night before he was crucified. Where when Peter *drew his Sword, and smote a Servant of the High Priest, and cut off his ear, Jesus saith unto him, Mat.* 26. 52. *Put up again thy Sword into its place; for all they that take the Sword, shall perish by the Sword.* By which words, the making use of the *Sword* against the Authority of *Superiours* is sharply condemned. This is, as *Musculus* said well, *locus notandus omnibus subditis, a place to be marked by all Subjects*; and what *Peter* did, saith he, was therefore *unlawful*, because the *Power* against which he made use of the Sword, was ordered by the Command of their *Rulers*, whereas the Magistrates Power, though used against an *innocent person*, may not forcibly be *repelled* by Subjects. Thus also *Ægidius Hunnius*; Peter, saith he, *took the Sword of his* own *private pleasure, and that unlawfully, whilst he rose up against his Governours, and fought with the Sword against their Ministers. Petrus privato arbitrio* (saith he on the Epistle to the *Romans*) *rapuit Gladium, & quidem illegitime, dum contra Magistratum suum insurgit, & contra ministros eorum Gladio dimicat.* To the same

Musc. in Mat. 26.

Ægid. Hun. in Rom. 13. & in Mat. 26. Par. 4.

B. 2. C. 4. purpose also he speaketh upon 3. *Mat.* and *Melanchon* from this Text, urgeth the *unlawfulness* of those persons taking the *Sword*, who have it not committed to them by the *Law*, and their Governour.

Melanch. Loc. Com. de Vindicta, & de Magistr. Civ.

4. And the true and natural sense of these words is, that as the Laws given to *Noah* and his Sons, condemned *homicide*, *Gen.* 9. 6. *Whoso sheddeth mans blood, by man shall his blood be shed*; so as with some respect thereto, our Saviour here condemns the making *Resistance*, even for *defence*, by a private person against publick Authority. And as the rules of his Doctrine *forbid* and blame it as evil; so this further censure he passeth upon it, that it is an undertaking that deserveth *death*, or to *perish by the Sword*. And this hath a general respect to all private persons, *hoc dicitur* (saith *Munster*) *contra privatos quosque, qui nullo jure permittuntur uti Gladio, non autem contra Magistratum qui jussa Dei perficit*, &c. And the circumstances of this case are very remarkable.

Munst. in Loc.

1. *In a case in which Religion and Civil Rights were interested.*

5. For first, this was a cause, wherein both *Religion*, and *civil Rights* were greatly concerned. For the Jews were now pursuing their design to *put Jesus to death*; and never was there an higher violation

olation of *justice* upon earth, than in the contrivances managed, and the cruelties exercised towards him. And this was such an opposition of *Religion*, that in the highest and most impudent manner, they rejected and set at nought the *Messias*, whom God had sent, and bad defiance to the mighty evidence of his *miracles*, and intended utterly to have extirpated his holy and divine *Doctrine*. Yet he himself here took up the *Cross*, and became an admirable Pattern of *meekness*; and when his Disciples had proposed the Question, *Luke* 22. 29. *Shall we smite with the Sword?* he severely forbad any such thing, and checks St. *Peters* hasty use thereof, before Christ had returned an Answer to their Question. And, as St. *Chrysostom* observes, St. *Peter* who was *reprehended* even with *sharp threatnings*, for what he had done; *did so no more*. And when our Lord declared, that his *Kingdom* was *not of this World*, he did thereby so much design to shew, that he denied his Subjects, who were private persons, any power to *fight* for their *Religion*, and that neither himself, nor his Gospel gave them any authority to use the *Sword*; that he addeth, *if my Kingdom were of this World, then would my Subjects fight, that I should not be delivered to the Jews,* Sect. 1. Chr. Hom. 85. in Mat.

B. 2. C. 4. Fer. enarrat. in Mat. 26.

Jews, *John* 18. 36. Such therefore are the rules of the Chriſtian Doctrine, that when *Ferus* had propounded the caſe, if *Magiſtrates* neglect their Duty, and become *injurious*, as was done with reſpect to our Lord and Maſter, *an privato Gladii arripiendi jus eſt, whether a Subject may take Armes*; he juſtly anſwers it with an *Abſit*, or a *Deteſtation* of any ſuch thing.

2. *With reſpect to Officers commiſſionated.*

6. The Perſons who came to take Jeſus, were *a Band of Men and Officers*, *John* 18. 3. no *ſupreme Governours* themſelves, but only perſons *commiſſionated* by them. And they were not ſent immediately by *Cæſar*, or by *Herod* or *Pilate*, who then had under the Romans, the chief Juriſdiction in *Jewry*; but by the *Chief Prieſts*, and *Elders* of the *Jews*, (ſome of whom did accompany the Souldiers, *Luke* 22. 52.) who were *allowed* to exerciſe ſome governing power, under the *Romans*. And the time when theſe Souldiers were ſent, was, in all probability, after the chief *Synedrial Power* was taken away from the *Jews*, that they might not judge any *capital Cauſes*, or put any man to *death*, by their authority, *John* 18. 31. and therefore from *Annas* and *Caiaphas*, *Jeſus* was brought to *Pilate*. The Talmud ſaith, that this Power was

taken

taken away forty years before the destruction of *Jerusalem*, which must be three or four years before our *Saviours passion*, and about the time he did begin to preach. Now though this stroke of St. *Peter* was not at any of the *Chief Priests* or *Elders* themselves, but at an *Officer* of theirs, and when their power was under its great *decay* and declination, the Doctrine of Christ doth here condemn it. Sect. 1. Buxt. Lex. Rab. in חוד Hor. Heb. in Mar. 26. 3.

7. Thirdly, if the *intention* of the person be considered, this action was *defensive*, or an endeavour to deliver his Master, and with a kind of *zeal*, for the preserving his safety, as is sufficiently intimated in the following verses, *Mat.* 26. 53, 54. And it cannot well enter into any mans thoughts, that there were any designs laid, by any of the Apostles, for *destroying* the Elders of the Jews, or turning *Cæsar* out of his *Dominions*, by these attempts. And though this *defence* proceeded no further than to *cut off an ear*, our Lord not only disliked it, but his action in forthwith healing the ear by a *miracle*, may seem to intimate, that he thought fit to take upon himself to make *restitution*, and to *repair* the injury done, by the rash action of one of his followers. Thus *Gratian* observed, that when *Peter* took *the material Sword to defend his Master* 3. *For mere defence.* C. 23. Qu. 8. in Capite.

B.2.C.4. *Master* from the injury of the Jews, he then received this check.

4. *To St. Peter and therefore to his Successours.*

8. Fourthly, if we consider the *Person* who here drew the Sword, which St. *John* declares to be *Simon Peter*, it may well be wondred, that any sort of men should believe, that Christ gave *this Apostle*, and others by vertue of *succession* from him, a power to *authorize subjects*, to take Arms against their *Princes*, in a case where they shall judge the *Church* and *Religion* concerned; and to *deprive* them of their Crowns and Dominions; when himself in person was not allowed, though he was then an *Apostle*, to make such *resistance* as hath been declared. From this instance *Gratian* concludes, *that no Bishop, nor any of the Clergy whosoever, have any power, either by their own authority, or by the authority of the Pope of* Rome, *to take Armes:* and then they can have as little authority to *commissionate* others to take them. Nor can this be evaded by saying, that St. *Peter* was not as yet possessed with the *supreme soveraign Authority*; For as it no where appears, that he ever received any such thing; so if our Saviour had ever intended to convey to him the supreme power of the *temporal sword*, he would never have used particularly to him, so general a threatning

Ibidem.

ning against the use of it. And therefore some Romish Writers have put themselves upon undertaking another method, and that is by a very bad attempt, to *defend* or *applaud* this action of St. *Peter*, which our Lord *rebuked*. *Baronius* when he gives us the relation of it, doth it without any manner of *censure*, but not without an *Encomium*, declaring, *quid generoso accensus amoris ardore, fortiter gesserit*. And *Barradius* proposing the question, whether St. *Peter* did amiss in this action, resolves it as most probable, that he did not; *verosimilius puto*, saith he, *non peccasse*. And *Stella* saith, St. *Peter did not sin herein*, and he compares this action with the zeal of *Phinehas*, whereby *he obtained the High-Priesthood*; and so, saith he, did St. *Peter*. Sect. 1. Bar. An. 34. n. 67. In Concord. Evang. Tom. 4. l. 6. c. 17. Stell. in Luc. 22.

9. And there are some who would evade the argument, from these words of our Saviour, by saying that our Lord did *prohibit* St. *Peter*'s using the *Sword* for his defence, only because he did now intend to lay down his *life*, according to his Father's will. But it must be observed, that our Saviour lays down three several grounds, upon which he checks this act of his Apostle, and commands him to *put up his Sword*; and we must not so assert the *Several reasons why St. Peter was rebuked.*

B.2.C.3. the validity of any one of them, as to deny or enervate the force of the others. 1. From the *ſin* and *unwarrantableneſs* of ſuch actions, where perſons act out of their own ſphere, and what they have not authority to undertake; and this is that I have now diſcourſed of in *v.* 52. 2. Becauſe he himſelf knew, how he could ſufficiently procure his own *defence*, by *lawful means*, whereas this action was neither a neceſſary, nor a proper undertaking for that purpoſe. Had the Holy *Jeſus* intended, to have his perſon *reſcued* out of the hands of the Jews, he could have effected this by *Legions of Angels*, who are under no obligation of ſubjection to men, *v.* 53. But Gods Providence can never be ſo at a loſs as to need the help of any unlawful means. 3. Becauſe the thing St. *Peter aimed at*, to hinder his Maſter from ſuffering, was no good deſign, but ſavoured ſomewhat of the ſame ſpirit, by which he had formerly *rebuked his Lord*, when he ſpake of his being killed, *Mat.* 16. 22. For *the Scriptures muſt be fulfilled*, *v.* 54. and the *Cup* (ſaith our Saviour) which *my Father gives me to drink*, *ſhall I not drink it?* *Joh.* 18. 11. And every one of theſe are parts of Chriſts *Doctrine*, and the *firſt* as much as the other, and is that

that also which our blessed Lord thought fit to mention *before the other.* Sect. 1.

10. With respect to this Text, *Mauritius*, who commanded the *Thebæan Legion*, which being all Christians, yielded themselves to Martyrdom, under *Maximianus*, told them how much he feared, lest they being in Armes, should have *resisted* the Emperour, under the colour of *defence*, when this was forbidden by Christ, who by the *command of his own mouth*, would have that *Sword* which his Apostle had drawn, to be *put up.* And St. *Austin* who sometimes extenuated St. *Peters* fault, as proceeding from his *love*, and not from any *cruel disposition*, that he did, *amore peccare sed non sævitia*, in his Books against *Faustus*, gives this account of the sense hereof. *The Lord did with sufficient threatning check the fact of* Peter, *saying*, Put up the Sword, *for he that useth the Sword shall fall by the Sword; but he useth the Sword, who, when no Superiour and lawful Power doth either command or allow, useth Armes against the blood of another.* And from this Text also *Gratian* infereth this general rule, that *every one who besides him, or without his authority, who useth the lawful power, who beareth not the Sword in vain, and to whom every*

This Text anciently used to this purpose. Eucher. Lugdunens. Epist. ad Sylv.

Aug de Agon. Christ c. 29, 30.

Contr. Faust. l. 22. c. 70. & in Epist. 48.

Grat. Dec. ubi sup.

B. 2. C. 4. *every Soul ought to be ſubject, I ſay every one who without ſuch authority takes the Sword, ſhall periſh by the Sword.*

Aſſemb. Annot. in Luk. 22. 51.

11. And even the Annotations under the name of the *Aſſemblies Annotations*, do interpret theſe words to condemn Subjects *taking the Sword*, eſpecially againſt their Superiours. *Neither Peter*, ſay they, *nor any other private perſon or perſons, might take up the Sword, to defend the cauſe of Chriſt.* 1. *Becauſe the* Jus gladii *belongeth not to any private perſon, but to publick authority*, Rom. 13. 4. *much leſs to Miniſters.* 2. *Becauſe they who ſmite with the Sword, ſhall periſh with the Sword.* And *Grotius de Imperio*, aſſerteth, that *when Chriſt ſaid, He that taketh the Sword ſhall periſh by the Sword, he doth expreſly condemn that defence, which is made by violence, againſt unjuſt force from publick authority, contra vim injuſtiſſimam, ſed publico nomine illatam.* To which I ſhall ſubjoin the Paraphraſe of Dr *Hammond*, *All that draw and uſe the Sword, without authority from thoſe which bear the Sword, ſhall fall themſelves by it, incur the puniſhment of death.*

Gr. de Imp. c. 3. n. 6.

Grot. in Mat. 26. 52. & de J. B. & P. l. 1. c. 3. n. 3.

12. Indeed *Grotius* doth ſometimes interpret this Text to this purpoſe, as if it intended to declare, that God would *puniſh*

niſh them who are *bloody*, as the Jews who came againſt our Saviour, though S. *Peter* let them alone; and this ſenſe is imbraced by ſome other Writers, even of the ancients. But ſince theſe words were ſpoken by Chriſt, ſoon after his Diſciples had asked, *ſhall we ſmite with the Sword?* and immediately upon the act of *Peter*, the natural and direct ſenſe of them muſt relate thereto. And it is a forced interpretation, to carry them off from the occaſion, on which they were ſpoken, and to which they were applyed by other *ancient Writers*, beſides them abovenamed, and to account them only to contain a *threatning* againſt the actions of the Jews. And even *Grotius* upon S. *Matthew*, doth from theſe words conclude, that *Chriſtians* ought to lay down their lives, in the profeſſion of Chriſtianity, without *reſiſtance*, and objecting the natural right of *ſelf defence*, he tells us we muſt diſtinguiſh between the uſing that right, againſt *thieves* and private perſons, againſt whom it may be uſed by *the authority of the laws*; and the deſigning any violence againſt the rule and command of the *Soveraign power*. Sect. 1. Orig. in Mat. Tract. 35. Tert. de Patient. c. 3. Grot. ibid.

13. Our Saviour indeed adviſed his Diſciples, *Luk.* 22. 36. *He that hath no Sword, let him ſell his Garment and buy one:* which words were ſpoken the ſame

B.2.C.4. night with the other abovementioned, and before he went out to the Mount of *Olives*, *v.* 39. And hereby he gave liberty to his Disciples, to use the Sword for their *self-defence*, against *private violence* and Robbers, who were at that time as *Josephus* relates, very numerous. But that no Christians might think themselves to have any liberty granted, of *resisting authority*, he gave this sharp rebuke to S. *Peter*, after he was come into the Mount of *Olives*. And against all those who would from these expressions of Christ, or any other, plead for the lawfulness of *resisting a Soveraign power*, the words of *Erasmus* are very argumentative, as well as earnest and vehement. *Nulla hæresis pernicioſior*, saith he, *reclamantibus Christi præceptis, reclamante tota ipsius vita, reclamante doctrina Apostolica, refragantibus tot Martyrum millibus, repugnantibus vetustis interpretibus.* There is *no Heresy more pernicious, the Precepts of Christ decrying this, the whole life of Christ being opposite to it, the Apostolical doctrine testifying against it; it being also rejected by so many thousands of Martyrs, and contradicted by the ancient Interpreters.*

Erasm. in Luc. 22. 36.

SECT.

SECT. II.

Of the Apostolical Doctrine *against resistance: with a reflexion on contrary practises.*

1. From the doctrine delivered by our Saviour himself, I now descend to that which was declared by his *Apostles*, which we shall find to keep an exact harmony with the former. And here I shall chiefly consider that remarkable place, *Rom.* 13. 2. *whosoever resisteth the power, resisteth the Ordinance of God, and they that resist shall receive to themselves damnation.* Where the ἀντιτάσσεσθαι, which we translate *resist*, doth enclude all practising out of a spirit of *averseness*, opposition and contradiction, and whatsoever is contrary to the ὑποτάσσεσθαι, or *being subject*, *v.* 1. as may appear by the use of this word, *Act.* 18. 6. And to this sense *Grotius* observes, *resistitur dupliciter aut contra imperium agendo, aut vim vi reprimendo, there are two wayes of resisting; either by acting contrary to authority, or by using force against it.* But the resistance by *violence*, which is the highest manner of opposition, is therefore principally condemned. And such actions are declared to be a *resisting*

The Apostolical Doctrine against resistance.

Gr. de Imp. c. 3. n. 6.

B.2.C.4. *the Ordinance of God*, and therefore highly ſinful; and to be ſo dangerous, that they who are guilty thereof, ſhall receive to themſelves κρίμα, *judgment or damnation.*

That it deſerves puniſhment both from God and Man.

2. And I ſuppoſe it may be made manifeſt, that the Apoſtle here by κρίμα, doth both underſtand the *judgment of man*, or puniſhment by the hand of juſtice by the *Magiſtrate*, and alſo the *judgment of God*, or the ſentence of his *condemnation*. This appears from the Apoſtles Concluſion, which he maketh with a very forcible illative expreſſion, διὸ ἀνάγκη, *wherefore ye muſt needs be ſubject, not only for wrath, i.e.* outward humane puniſhment, *but alſo for Conſcience ſake*, or fear of the divine judgment, *v.* 5. And that they who *reſiſt*, deſerve heavy puniſhment by the *temporal Sword*, is according to the Doctrine of Chriſt himſelf in the former Section, and of *Salomon*, *Prov.* 20. 2. To this ſenſe do *Vatablus* and *Grotius* moſt encline, in expounding this Text. And this ſenſe muſt be encluded in the intention of the Apoſtle, becauſe this practice being declared evil, in the former part of *v.* 2. it is added, that *Rulers are a terrour to the evil, v.* 3. and *if thou do that which is evil, be afraid, for he beareth not the Sword in vain, v.* 4. And in ſuch Caſes

In loc.

as

as these, the sentence and punishment inflicted by the *Magistrate*, is the more considerable and dreadful, because he is herein appointed by God, to act as from him, and by his authority, being *the Minister of God, a Revenger, to execute wrath upon him that doth evil*, v. 4. But this word must also enclude, the *judgment of God* and his condemnation. For since this resistance is a *sin*, and against the *Ordinance of God*, v. 2. that person who puts himself upon breaking his Commands, and opposing his Authority, must thereby render himself *guilty* before *God*; or in S. *Chrysostom's* expression concerning this Text, he doth τὸν θεὸν παροξυνεῖν, *provoke God*, and must expect from him, δίκλω σφόδρα μεγίστω, *heavy judgment*. Sect. 2. Chryſ. in Ep. ad Rom.

3. And these assertions of the Apostle, will appear the more considerable, if some circumstances be observed, 1. What *condition* of the *Christian* Church, was then coming on, when these Rules were delivered to the Christians. It is very probable, that this Epistle was written, some few years before the beginning of the *persecution* against the Christians, under *Nero*. But the Holy Ghost, who then foresaw and foretold the *troubles*, which were shortly to come upon them by the *Roman power*, thought fit to give them these directions, *Resistance not allowed in persecution.* Baron. an. 58. n. 46. & an. 66. n. 9, 10.

B. 2. C 4 to be observed as their Rules, in their *approaching calamities.*

Nor against wicked Rulers.

4. Secondly, who was then *possessed* of the highest power at *Rome*, unto whom the Apostle commands *subjection*, and against whom he condemns all *resistance:* Now this is commonly acknowledged to have been written under the Reign of *Nero*, who was a man of excessive intemperance and lust, and prodigious *cruelty*, even to that height, as to cast off natural affection to his nearest relations. In his time *Suetonius* tells us, *punishments* were inflicted upon the *Christians*, and according to *Tacitus*, *pœnis quæsitissimis*, by the most exquisite pains; and he is noted by *Tertullian*, to be the first of the Roman Emperours, who undertook fiercely to *persecute Christianity*; and under him S. *Peter*, and S. *Paul*, and divers other Christians were cruelly put to death. And yet in this Case, and under that Emperour, whom the *Roman Spirit* would not endure, without *taking Armes* against him, and whom their Senate declared to be an *Enemy*, and to be punished, *more majorum*, by an infamous Death, S. *Paul* would not allow the Christians to *resist*, and take Armes against this higher power. And this was the *Christian temper* and Spirit, that they kept themselves free from all those

tumults

Suet. in Ner. n. 16.

Tac. Annal. l. 15. Tertul. Apol. c. 6. & in Scorpiac. c. 15.

Suet. in Ner. n. 49. Tacit. Hist. l. 1. Aur. Vict. in Ner.

tumults and Seditions, which other persons in the Empire were many times engaged in. And this is that which gave *Tertullian* occasion to say, *nunquam Albiniani, vel Nigriani, vel Cassiani, inveniri potuerunt Christiani.* Sect. 2. Tert. ad Scap. c. 2.

5. And since the *Church of Rome* was founded in the beginning of the Government of *Claudius*, and S. *Paul* was put to Death in the end of *Nero*'s time, who was the next *Successor* to *Claudius* in the Empire, this Epistle to the *Romans* must be written in one of their Reigns. Indeed *Illyricus*, and Dr *Hammond* sometimes think it, to have been written under *Claudius*. And those expressions in this Epistle, which intimate that S. *Paul* before the writing thereof, had never been *at Rome*, with this Christian Church, may possibly seem to encline to the same sense, *Ch.* 1. 10.-13.-15. and *Ch.* 15. 19,-22, 23. But it was certainly written *many years* after the Conversion of the *Romans*, *Ch.* 15. 23. And if it should be supposed to have been sent to them under *Claudius*; even he was not much a better man than *Nero*. For *Claudius* was a debauched and *vicious person*, and barbarously *cruel*: to which purpose amongst other expressions, *Suetonius* saith of him, that he was *libidinis profusissimæ*, and also *sævum &* Illyr. Chronol. in Act. Apost. Dr. Hammonds Annot. on the Title of the Ep. to Rom. Suet. in Claud. 33, 34.

B.2.C.4. *sanguinarium natura fuisse apparuit.* And even he was so great an Enemy to the right worship of the only true God, that under the name of *Jews*, he banished also *Christians* from *Rome*, *Act.* 18. 2.

Rutherf. *of Civ. Policy.* Qu. 33. *The New Testament gives respect to the Emperour above the Senate.*

6. But because there are some who say, that these expressions of the Apostle, have no particular mention of *Nero*, or any *Emperour*; and therefore may as well have respect to the *Roman Senate*; To obviate this exception it may be observed, that wheresoever in the *New Testament*, there is any notice taken of, or any respect given to the *Roman power*, this is done with a principal and primary respect to the *Emperour*, and subordinately to others as his *Officers*. This is manifest in the *Gospel*, the *Acts* and the *Epistles*. The *taxing* or enrolling at the Birth of our Saviour, was by the Decree of *Augustus*; and the *tribute money* had *Cæsars* Image and Inscription, to whom Christ commanded the Jews to render what was his. S. *Pauls appeal* was made unto *Cæsar*, and S. *Peters* commanding submission was directed to the *King as supreme, and to Governours as unto them who are sent by him.* So that the Spirit of God speaketh much in favour of *Monarchical power*, though then Pagan, but gives no encouragement to the notion of them, who would embrace a *popular Soveraignty*.

7. Now

7. Now these words of S. *Paul* are so full, that I shall not need to add any further evidences of Scripture in this particular. But when S. *Peter* and S. *Jude*, so highly condemn the *despising Dominions, and speaking evil of dignities*, as sins against which God will chiefly execute judgment, it is evident *à majori*, that their doctrine cannot give allowance to that forcible resistance, whereby the greatest contempt of dignities is expressed, and which runs higher than *to speak evil*: especially when S. *Jude* speaks particularly against them, who *perish in the gain-saying of Core*, or in the practises of Sedition. And S. *Peter* also proposeth the *example of Christ*, as that which he himself intended, should be an *example* to all Christians, who when in well-doing he was *reviled, reviled not again, when he suffered he threatned not, but committed himself to him that judgeth righteously*, 1 *Pet.* 2. 19, 20, 21, 22, 23. Sect. 2. 2 Pet. 2. 10. Jude 8.

8. Having now shewed, that the *Christian Doctrine* doth fully provide for the safety and security of Princes; it is matter of wonder, that any men should have the confidence, to make *Christianity* a foundation, for the highest *resistance* against Princes to *depose* them from their Crowns, and forbid Subjects to yield them obedience: *Christianity doth not infringe Soveraignty.*

B. 2. C. 4. ence: and this Authority the *Pope* claims upon a *Chriſtian title. Bellarmine* affirms it to be *a thing agreed upon*, by their Lawyers and Divines, that *the Pope may by right depoſe heretical Princes, and ſet free their Subjects from obedience* to them: for *cum hac conditione reges terræ ad Eccleſiam admittuntur*, &c. *upon this condition the Kings of the Earth are admitted unto the Church, that they ſhall ſubject their Scepters unto Chriſt, and that they ſhould protect and not deſtroy Religion: which if they will not do, he who is over the whole Church, in the place of Chriſt, vice Chriſti, hath a right to ſeparate them from the Communion of the faithful, and to forbid their Subjects from giving them obedience.* Indeed all perſons by their Baptiſm, are engaged to yield up themſelves to be Subjects to Chriſt. But how can the *baptiſm of Princes*, include a condition that they muſt yield their *Scepters* to be *diſpoſed* of by any Officer of the Chriſtian Church, when they are baptized into that Doctrine, which makes ſo great proviſion for the ſecurity of Kings, and againſt all manner of *reſiſtance:* This would make Chriſtianity to be prejudicial to the *authority of Governours*; to aſſert which is contrary to the nature of its doctrine. And the Holy Spirit

Bellarm. in Reſp. ad Apol. pro Juram. fidelit. in init.

rit seemeth to have taken special care to prevent this claim, in any person of the *Romish Church*, in that *whosoever resisteth the power, &c.* being particularly directed to that Church, must deny all power to any *person* therein, to oppose the authority of *Rulers* under the peril of *damnation.* Sect. 2.

9. But though the *directions* of our Religion be plain, History will acquaint us, that there have been many contrary *practises*, as matters of fact. But these are no more to be urged against the rules of *duty* in this, than in other actions of *disobedience*, and swerving from Gods Commandments. It was worthily said of *Grotius*, *armorum in Reges sumptorum exempla, — qui non precario, sed proprio jure imperabant, laudari salva pietate non possunt, quemcunque tandem prætextum aut eventum habuerint. The Examples of Armes taken against Kings who governed, not by a precarious but by their own proper right, cannot be commended without violating piety, whatsoever pretence or success they had.* *Matters of fact are not here to be urged against Rules of duty.* Gr. de Imp. c. 3. n. 8.

10. But because some have pretended, that where such attempts have met with *success*, this success was a testimony of *Gods providence* approving them, such Pleas are of a very dangerous and evil nature; *Though attended with success.*

B.2. C.4. ture; eſpecially becauſe, 1. They are in ſome degree *blaſphemous*; as if the holy God who hateth all evil, and hath given ſtrict commands againſt it, were to be eſteemed an *approver* of all that wickedneſs in the World, where he doth not either forcibly *reſtrain*, or immediately *deſtroy* the Offender. 2. This pretence is greatly oppoſite to the principles of *Chriſtianity*, both in deſpiſing and abuſing the *patience* and long-ſuffering of God; and in building upon ſuch foundations as can bear no weight, unleſs men overlook and diſregard the *future account*, and the rewards and puniſhments of another World.

11. There have been ſome inſtances of the moſt pious and *worthy Princes* as well as other good men, meeting with many troubles and *injuries* in this life. Beſides what was done in our own Age and Nation, which cannot be forgotten, nor yet *remembred* without indignation, it is obſerved by *Baronius*, that the Emperour *Gratian*, in that very year in which he had ſo vigorouſly endeavoured the ſubverſion of *Gentiliſme*, and the advancement of *Chriſtianity*, was forſaken of his own *Army*, and died by the hands, and under the ſcorn of *Rebels*. And in the *Saxon Heptarchy* in this Iſland, in a ſmall com-

Baron. Annal. Eccl. an. 383. n. 5, 6, 7.

compass of time in the seventh Century, seven Christian Kings are related to have ended their lives by *violence*; whereof four were the *first Christian Kings* in their Kingdoms, and the other restorers of Christianity. But that which may be truly inferred from such things is, that God doth suffer evil actions and *injuries* to be done, for some time in this World, and that Piety and Goodness hath a *reward* beyond this life. Sect. 2. Full. *Ch. Hist.* l. 2. an. 642.

12. There are those also, who have had the better thoughts of *rebellious practices*, because some persons who have been engaged in them dyed, as is reported of *Cassius Cherea* in *Josephus*, without any sense of *remorse*, and with an undaunted courage, and *obstinate resolution*. But the measures of good and evil must be taken from the *rules of Duty* and Conscience, and the Will of God, and not from the *temper* and expressions of Offenders and Transgressours. It is too easie a thing to produce examples of the *Practicers* of the several sorts of sins, who have gone on therein without *relenting*; which speaks their case the more *doleful*, and themselves the more *hardned*. Such was the case of the generality of the *Jews* in their perverse opposition against the *Holy Jesus*, and of the Conspirators with *Co-* *Or a resolute temper in the Practisers.* Jos. Ant. Jud. l. 19. c. 3.

rah

B.2.C.4. *rah* against *Moses*. And when *Julian* the Apostate from, and great Enemy to Christianity, had received his deadly wound, *Ammianus Marcellinus* relates him to have spoken to this purpose to his Souldiers; that he was not *grieved* but rather *rejoyced* at the appearance of *death*; and that from his past life and actions he found nothing therein to *repent* of, or that was any trouble to his mind to reflect upon, *non me gestorum pœnitet, aut gravis flagitii recordatio stringit.* And *Maximus* the Philosopher, who was the Instructor of *Julian* in *Gentilism* and its impieties, and the Incentive of all that opposition which Christianity met with under his Reign, as *Baronius* noteth, did in his defiance of Christianity endure *exquisite punishments*, with such an erect and *resolute mind*, as made his spirit to be admired, which *Eunapius* declared; with the flourishes of many oratorical expressions.

Ammian. Marc. l. 25.

Ear. Annal. an. 354. n. 16, 17.

Divine judgments against seditious persons.

13. But though the full declaration of the *righteous Judgment of God*, is reserved chiefly to the great day, yet his *severe proceedings* in some special cases, have sufficiently testified his displeasure against the Actors of *Sedition*. Could any thing be more remarkable than that the Earth should swallow up *Corah* and his

his Company, immediately upon *Moses* Sect. 2.
his pronouncing that sentence upon them, and that the *fire from the Lord* should consume two hundred and fifty that offered incense, *Numb.* 16. 30, 31, 35. and a *dreadful Plague* should presently destroy fourteen thousand and seven hundred of their Abetters? And that these sad judgments had a particular respect to their *rebellion* against *Moses* and his Government, as well as to their insolency against *Aaron*, is manifest from *Psal.* 106. 16, 17. and *Numb.* 16. 3, 13, 14. And when *Julius Cæsar* was slain in the Senate, the Roman Histories acquaint us, that scarce any of the *Conspirators* outlived him above three years, or dyed a natural death; and that some of them became their own *Murderers*, and slew themselves with the *same weapons*, with which they had assaulted *Cæsar*. And *Valerius Maximus* relates, that *Cassius*, who was one of them, being hotly engaged in the Philippian Army, *Julius Cæsar* appeared before him with greatness and majesty; and in his imperial Habit, upon a swift Horse, and with a terrible Countenance, rushed upon him; at which apparition he being affrighted, and expressing his troubled reflections upon the death of *Julius*, turned his back upon his Enemies. And many other

Suet. in Jul. n. 89.

Val. Max. l. 1. c. 8.

B. 2. C. 4 Rab. Maur. de Reveren. c. 3.

ther inſtances of this nature, are mentioned by *Rabanus Maurus*, and other Authors.

Remarkable Providences in preſerving Princes.

14. And Eccleſiaſtical Hiſtorians give us an account of ſtrange Acts of Providence, for the preſervation of many Princes againſt their Conſpirators. As that

Socr. l. 2. c. 32. gr.

the Army of *Magnentius*, when they deſigned acclamations to him as *Cæſar*, who made an *inſurrection* againſt *Conſtantius*, their voices againſt their own intention were ſo overruled, that inſtead of *Magnentius*, they named *Conſtantius*, and expreſſed honour to him. And ſoon after

Soz. l. 4. c. 6.

Magnentius being defeated, made a preſent *eſcape* by flight, and then *murthered* firſt his Mother, and his Brother, and then *himſelf*. And the attempts of *Gainas*, who roſe up againſt *Arcadius*, are related

Socr. l. 6. c. 6.

by *Socrates* to have been expreſſed, by the appearance of an *Army of Angels*, as a Guard about his Palace, which ſo aſtoniſhed them who were with *Gainas*, that they gave over their attempt. And

Theod. Hiſt. l. 5. c. 24.

when the ſmall Army of *Theodoſius* was engaged againſt the formidable Forces of *Eugenius*, who rebelled againſt him, the Enemies Darts and Arrows are related to have been *forced back* upon themſelves, by the riſing of a violent Wind. To theſe I ſhall adde that late relation con-

concerning King *James*, whom when *Agnes Sampſon* had undertaken to kill by *Witchcraft*, her Familiar Spirit which She employed to effect it, came to her and told her it could not perform it, adding theſe words which She did not underſtand, *Il eſt Homme de Dieu, He is a Man of God.* And though all theſe things deſerve conſideration, the plain Rules of Conſcience and *Religion* give the moſt full and unexceptionable teſtimony of the great diſpleaſure of God, againſt all actings of *Treaſon* and *Sedition.* Sect. 3. Spotſw. *Hiſt. of Sc.* B. 6. an. 1509.

SECT. III.

The practice and ſence of the Primitive Church *concerning reſiſtance.*

1. Above the examples of any other ſort of men, the ſpirit of the *Primitive Chriſtians*, deſerves to be reverenced and regarded. Whileſt they lived under *Pagan Emperours*, before the time of *Conſtantine* there was no ſuch thing heard of, as their undertaking to *depoſe* their Kings or Emperours, nor no pretence of power in any *Chriſtian Biſhop*, to *abſolve* them from their *allegiance*. And I think that for three hundred and forty years after Chriſt, there can be no one inſtance gi- *The loyal ſpirit of the Primitive Chriſtians.*

B. 2. C. 4. ven of any Christians making any *forcible opposition*, by taking Armes against their Governours. *Origen* in his time tells *Celsus*, that he could shew οὐδὲν στάσεως ἔργον, *no undertaking of Sedition* among Christians, who were not allowed to *defend* themselves against their Persecutors.

Cont. Cels. 3. p. 115

Under heavy sufferings.

2. Yet the *heavy sufferings* of the Christians were then very great, not only by reason of the several *cruel deaths* inflicted upon divers of them; but also because of the great multitudes who died *Martyrs*, in bearing the Cross, and following the patience and *meekness of Christ*. Of which I shall give three instances, from the several parts of the World, in the end of the third, and beginning of the fourth Centurie. *Eusebius* acquaints us, that in the Dioclesian Persecution, in *Thebais*, which was none of the greatest Countries of *Africa*, there were not only for some days, but for some whole years together, sometimes ten or twenty, oft thirty, other times about sixty, and sometimes an hundred with their Wives and Children, in one day *slain*, by various Methods of *cruel death*. And he himself had there seen some put to death by *fire*, and others the same day by the *Axe*, even so many, that the Executioners were

Eus. Eccl. Hist. l. 8. c. 9.

1.

tired

tired out, and their Axes blunted. Such instances speak the admirable *patience*, hope and obedience of those holy men, and the wonderful Power of God that preserved and *propagated* his Church notwithstanding so great *oppositions*. Sect. 3.

3. In *Persia*, *Sozomen* tells us, that under *Sapores* his Reign, there were *sixteen thousand Martyrs*, of whom an account could be given by name, and that besides them there were so great a multitude, who died for the profession of Christ, that they were more than could be numbred. And in *France* the *Thebæan Legion* of almost seven thousand Christians, being all armed, and valiant men, became *Martyrs*, by the cruelty of *Maximianus* the Emperour, when they refused to join in the *Pagan worship*, the Emperour commanded twice that every *tenth man* should be put to death, but after both these executions, the remainder persisting in the same resolution, were all commanded to be *slain*. But they according to the counsel of *Mauritius* and *Exuperius*, their Commanders. tell the Emperour, that they submitted their Bodies to his power, that they could never be charged with *cowardise* or deserting his Wars, but in this utmost peril where desperate circumstances might make men more *resolute*, they would not Sozom. l. 2. c. 10, 13.

B.2.C.4. *take Armes against him*, yea, said they, *though we have Armes in our hands, we will not use them for resistance*; *tenemus Arma, & non resistemus.* This famous Story related by *Eucherius* and the Martyrology, is thence insisted on by *Baronius* and *Grotius*, as also from *Crantzius*, and others. And a like account is given by the *Magdeburgenses* from *P. de Natalibus*, *Simeon Metaphrastes*, and *Vincentius*.

Bar. an. 297. n. 10, 11, 12. Grot. de J. B. & P. l. 1. c. 4. n. 7. & de Imp. c. 3. n. 14. Cent. 4. c. 12. col. 1420.

4. And the chief Guides of the Christian Church, who lived under the *Arian Princes*, and *Julian* the Apostate, retained the same spirit and sense of their duty. Among other slanders, with which *Athanasius* was charged, he was accused before *Constantius*, of conspiring with, and stirring up *Magnentius* against him. But *Athanasius* not only denyeth the *fact*, and declareth how he had openly prayed for the success of *Constantius*; but he utterly disclaimeth such things, as not consistent with *Christian Principles*, affirming, that if there was any *appearance* of any such thing in him, he would *condemn* himself to myriads of *deaths*. And he entreats the Emperour, that he would have no such suspicion against the Church, as if any right Christian, and especially a Bishop, would *advise* or *write* any such thing. And much

Bar. an. 351. n. 34. Athan. Apolog. ad Const.

much more is in the same *Apology*, in detestation of *resistance*, though *Constantius* was an *Arian*, and a *Persecutor*, and *Athanasius* had in his Reign been ejected from *Alexandria*. Sect. 3.

5. Under *Julian*, *Nazianzen* declared that the Christians only *arms*, fortress and defence, was their *hope in God*. And when under *Valentinian* the younger, St. *Ambrose* was required to yield up his Church to *Auxentius*, he tells his people, *I shall not leave you willingly, if I be compelled, I know not how to withstand. I can grieve, I can weep, I can groan, aliter nec debeo, nec possum resistere, by other means I neither ought, nor can resist.* And the language that he, and the other sound Christians then used, was, *Rogamus, Auguste, non pugnamus, we ask, O Emperour, we fight not*; and *tradere basilicam non possum, sed pugnare non debeo, I cannot yield up the Church, but I ought not to fight.* The result of all these testimonies is, that when the *authority*, *laws*, and rules of Government they lived under, did oppose the Christian Profession, or the truth and purity of its Doctrine; they thought it their duty patiently to *suffer*, and not in opposition to those *laws* which were then established to *take up Armes* against their Governors.

Naz. Orat. 4.

Ambr. Orat. in Auxent.

Id. in Epist. 33. ad Marcellin.

B. 2. C 4. But againſt the force of this Argument from the primitive practice, there are two Objections which muſt be anſwered.

The ancient Chriſtians did not want ſtrength.

6 *Obj.* 1. Many do aſſert, that the reaſon why the Ancient Chriſtians did not *reſiſt* or *depoſe* their Emperours, was, becauſe they wanted *ſufficient ſtrength* to carry on ſuch an undertaking. To this purpoſe ſpeaks Card. *Bellarmine*, *Quod ſi Chriſtiani olim non depoſuerunt Neronem, & Diocletianum, & Julianum Apoſtatam, & ſimiles, id fuit quia vires temporales deerant Chriſtianis.* And to the ſame purpoſe write *Aquinas*, *Azorius*, and others. But if this had been a method which God had accounted fit for them to undertake, he who wrought ſo many *miracles* for the propagating Chriſtianity, and enabled the Apoſtles, and other Chriſtians to *prevail* againſt the power of *Satan* in the World; could have made the undertaking of a few Chriſtians, to have been *ſucceſsful* againſt the power of the Empire, as well as he did the Army of *Gideon* againſt the *Midianites*, and *Jonathan* and his armour-bearer againſt the *Philiſtines*. But that I may further detect the falſhood of this *ſlander*, invented to ſtain the Honour and *Loyalty* of the *Primitive Martyrs*; I ſhall note four things.

Bell. de Rom. Pont. l. 5. c. 7. 2. 2æ. qu. 12. art. 2. Azor. Inſtit. Mor. Part. 2. l. 10. c. 2. qu. 2.

7. Firſt

7. First I note, That this suggestion doth cast an high *disparagement* upon the *Precepts* of Christianity. For this must speak the Apostles to *dissemble*, and deal hypocritically, when they command *obedience* even for the *Lords sake*, and forbid *resisting* the Power, as incurring *damnation*, and opposing the *Ordinance of God*; if notwithstanding all this, they would allow the Christians to *take Armes* against their Rulers, whensoever they should have *strength* enough to carry on such an enterprize. What is this but to undermine the *simplicity of the Gospel*, and to suppose the *Apostles*, under a disguise, to *pretend* God and Religion, where they had really no regard to them, but to the carrying on a *politick design*, and a contrivance of *craftiness*? And upon this account, *F. Blackwell* declared his great dislike of this suggestion of *calumny*. And certainly it is as much against the nature of our Holy Religion, to affert that the Precepts of *Obedience*, *Subjection*, and *Meekness*, should be restrained to those times, when they were in no capacity of doing many great actions, which are contrary to these vertues; as that the commands against *fleshly lusts*, and *pride* did only belong to that time, when Christianity was *persecuted*, and the Profes- Sect. 3. Blackwells Examin. Sect. 3, 50, 51.

B.2.C.4. sors thereof were in a low and mean estate.

8. Secondly I note, That this is contradictory to the *Spirit* and temper, which the *ancient Writers* declare, concerning the Christians of their time. For besides the frequent Profession they made, of their acknowledging the Governours they lived under, to be *constituted by God*, and that therefore it was their duty to be subject to them, and honour them: It is not possible that those Christians should forbear *Resistance* only for want of *strength to effect it*, who thought it their duty to *pray* for those *Pagan Emperours*, that their Life and Government might be *preserved*. So *Tertullian* declared under the persecution of *Severus*, *Precantes sumus semper pro omnibus Imperatoribus, vitam illis prolixam, imperium securum, &c. We ever pray for all Emperours, their long life, and the safety of their Empire.* And *Dionysius* of *Alexandria*, under the persecution of *Valerian* and *Galienus*, averreth that the Christians constantly prayed, that their *Kingdome might remain unshaken*. And St. *Austin* saith, that though *Julian was an Apostate, an Idolater, and a wicked man* the Christian Souldiers were subject to him, their *temporal Lord*, out of respect to their *eternal Lord*.

Tertul. Apol. c. 30.

Euſ. Eccl. Hiſt. l. 7. c. 11. gr.

Aug. in Pſal. 124.

9. Thirdly

9. Thirdly I note, That there is no truth in that Plea, that the Christians in the Primitive Times, always *wanted strength.* For though at the first planting Christianity their numbers were small, yet they did in a short time increase, to great and vast *multitudes.* *Tertullian* would never have had the confidence, to make so plain a profession of the *strength*, and *number* of the Christians to the Roman Emperour and Senate, if it had not been truth. Saith he, *if we would act the part of open Enemies, could we want Numbers or Armies? ——we have filled your Cities, Isles, Castles, Camps,* &c. *for what War should we be unfit, though our numbers were unequal, who can so readily lay down our lives, if our Religion did not require us rather to dye, than to draw our Swords to kill others?* And among other expressions which he useth to *Scapula*, the Governour of the *African Province*, concerning the great multitude of Christians, he tells him, they were *pars penè major Civitatis cujusque, almost the greatest part of every City.* Had the numbers of Christians been small in St. *Cyprian*'s time, he would never have written to the Proconsul of *Africa*, *quamvis nimius & copiosus sit populus noster*, that though the company

Sect. 3.

Apol. c. 37.

Tertul. ad Scap. c. 2. & c. 5.

Cypr. ad Demetrian.

B. 2. C. 4 company of Christians were *very great* and *numerous*, yet they would not *revenge themselves against the unjust violence* of their Persecutors.

10. But if any persons should groundlessly imagine, that these Christian Writers did either *mistake* their own numbers or were willing to *represent* them as more considerable than they really were, for the honour of their Profession, and to make them the more regarded by their Opposers; There can be no such Objection against the testimony of the Emperour *Maximus*. He was one of the fiercest enemies that Christianity ever had; who, as *Nazianzen* testifyed, was a greater Persecutor than either *Diocletian* or *Maximianus*, and yet in his Epistle to *Sabinus*, recorded by *Eusebius*, he speaks it to have been a thing, generally and universally known among men, that in the entrance of *Diocletian*, πεδὸν ἅπαντας ἀνθρώπους, *almost all men had left the heathen worship, and had joined themselves to the Society of the Christians*. And in the time of *Julian*, not only the greatest part of the *Empire* was Christian, but even of his *Army* also; who did so profess themselves, when they had chosen *Jovian*, to succeed him upon his death.

Naz. Orat. 3.

Euſ. Hiſt. Eccl. l. 9. c. 9. gr.

Theodor. Hiſt. Eccl. l. 4. c. 1.

11. Fourthly

11. Fourthly, I note also, That it was truly observed by *Barclay*, that *Valentinian* the younger, who was an *Arian*, might as easily have been *resisted*, and *deposed* by the Catholick Christians, as any *King* or Emperour whatsoever, if they would have undertaken any such thing. For the strength of the Eastern part of the *Empire*, was then in the hands of *Theodosius*, who was a zealous promoter of the true Faith; and the main part of the Western Empire was then over-run by *Maximus*, who continued his power for some years, was an Enemy to the *Arians*, and expressed great respect for S. *Ambrose*. The *Army* also of *Valentinian*, whose residence was then at *Millan*, where S. *Ambrose* was Bishop, was so disaffected to the Emperour, that they declared as S. *Ambrose* informs us, that they would go over to those, to whom S. *Ambrose should direct them*, unless the Emperour would communicate with them, who embraced the true Faith. But in this Case *Theodosius* protected and *assisted Valentinian*, and S. *Ambrose* disclaimed all *resistance* against him, and espoused his *interest* to the utmost against *Maximus*.

Sect. 3. G. Barcl. de Potest. Papæ, c. 8.

Ambr. Epist. 33. ad Marcellin.

12. Against this instance *Bellarmine* alledgeth, that it was not a fit Case for the Church to make use of her *power* towards *Valen-*

B. 2. C. 4. Bellarm. de excuſ. Barclaii. c. 8.

Valentinian, becauſe he was then but *young*, and what he acted was by the contrivance of his Mother *Juſtina*, who was an Arian; and there might be hopes, that he might afterwards be *converted* to the right Faith, as indeed he was. But this is but a very weak exception. For if any *Chriſtian Biſhop* was intruſted with any ſuperiority over the *Crowns of Princes*, in order to the Churches good, he would but ill diſcharge his duty, if he will ſuffer the Church to be haraſſed, and *perſecuted*, all the time of their *minority*, when it was in him to help and prevent this, by the regular exerciſe of his power. Surely if there was any ſuch authority, which God had placed over the *temporal power* of Princes, it would have been the moſt proper time, to have undertaken to *rule* them in thoſe tender years, in which they are moſt apt to be *impoſed* upon, and to be led aſide by others. Had there been any ſuperiour authority, to chaſtiſe *erring Sovereign Princes*, by temporal puniſhments, it had been moſt reaſonable to begin the exerciſe thereof in their younger years, that by their timely *ſubmiſſion* and repentance, the Church might have the greater advantage by their whole future life. And becauſe he was then led by his *Mother*, it would have been then, if ever, ſeaſonable

sonable to have let him understand, that he was bound with respect to the right of his Crown, to please the *Bishop of Rome*, rather than to be guided by her. But neither in this, nor in any other Case, for many hundred years before and after it, did ever the Romish Bishops, either *claim* or make use of such *authority*, though many of them in those ancient times, wanted not *zeal*, to undertake any thing, even *Martyrdom*, for the advancement of the *Christian profession*. Sect. 3.

13. *Obj.* 2. Some *instances* are urged, to prove that the Primitive Christians in some Cases, did *take Armes* against the *Soveraign power*. When *Grotius* had urged this argument, from their general *submission*, without any *forcible resistance*: the *Scholia* annexed in the Margent, under the name of *Blondell*, mention two stories, within three hundred and forty years after Christ, and some others of an after date, as instances of *resistance* in those Christians. Now if all this were true, the *primitive rule* in this Case, is rather to be measured by the *doctrine*, and declared sense of the most *eminent men* in the Church, than by a few contrary practices. Even in those times there were some evil actions, committed by them who professed the doctrine of our Saviour; the Church was not then

Blond. in Sch. ad Grot. de Imp. c. 3. n. 14.

Primitive Christians vindicated from all appearance of Sedition.

B.2.C.4 then free from *Heresies*, *Schismes*, and other Crimes, which administred matter for *Canonical censures*. Yet from what appears, I see not but that the duty of *peaceable submission* was so universally practised by Christians, unto their *secular Governours*, for above three hundred years, that they cannot be taxed with any *one instance of seditious insurrections*.

14. In the first instance there mentioned it is said, that the Christians by a forcible and perilous assault, did rescue *Dionysius* of *Alexandria* from those *infidels*, who carried him away, in the year 235. Now as I find nothing about that time, concerning any suffering of *Dionysius*, and because he was not *Bishop of Alexandria*, till about the year 246. or the third year of *Philippus* the Emperour, as *Eusebius* testifyeth; and also because what he suffered, was under the persecution of *Decius*, who began his Reign about 250. years after Christ, I must suppose the year to be misprinted. The story to which this hath respect, I suppose to be this, which is mentioned in *Eusebius* from one of *Dionysius* his own Letters. Before the open persecution of *Decius* brake forth, *Dionysius* was seised on, and carried out of *Alexandria*, and was kept under the Guard of some

Euſ. Hiſt. Eccl. l. 6. c. 35. gr.

Ibid. c.40. gr.

Soul-

Souldiers. But a *Country man* who was going to spend all the night in jollity, banqueting and revelling, according to their custom at *Weddings*, hearing thereof, declares this to all the rest of the Guests. They with one consent arose, and violently ran to the place, where *Dionysius* was, and coming thither gave a great *shout*. The Souldiers flying, they entred the House, and forced him against his own desire and entreaty, to rise out of his *bed*; and takeing him *by his hands and his feet*, they drew and haled him out of the House, and set him upon a *bare Asses back*, and carried him away: and it seems probable that in the consequence, *Dionysius* had hereby an opportunity to make an escape. This action is by *Baronius* placed in the year 253. which by an easy mistake might be altered into 235. But it is not manifest that here was any *fighting* at all; and which is most considerable, there is not any expression in this whole relation, which so much as intimates, that they who undertook this action were *Christians*. The perusal of the whole story, will perswade an indifferent Reader, that this was a *wild exploit* and frolick of a Company of *rude spirited men* in that place, whom *Valesius* calleth *rusticos & temulentos convivas*, *drunken Countrey-Companions*. Nor is it probable,

Sect. 3.

Annal. Eccl. an. 253. n. 100

Val. in Eus. l. 6. c. 40.

XUM

B.2.C.4 probable, that the Christians of those times, would behave themselves after such a manner as this, either among themselves, or towards so eminent a *Bishop* And such a charge as this may not be fastned upon them, where there is no evidence at all for the proof thereof.

Blond. ubi sup. 15. The second instance there given, is of the *Armenians* (*i. e.* of the greater *Armenia*) whom when *Maximinus* the Emperour, would by force have turned from Christianity, they *defended* themselves by *War* against him in the year 310. An. 311. n. 22, & 57. and are commended for it. This action is also observed and related by *Baronius*, who placeth it in the years 311. and 312. But this was no War against their *Soveraign*, but against a *Foreign Prince*, who would have violently forced upon them a *false* Sozom. l. 2. c. 7. *Religion*. For this *Armenia* was at that time no part of the *Roman Empire*, but was a Nation bordering upon the Empire, who then had a *distinct King* of their own, but acknowledged a subjection to Evag. Hist. Eccles. l. 5. c. 7. the *Persians*, and thereupon this Country was called *Persarmenia*. But for divers years before and after this *War*, they were not under the *Roman power*; and *Euse-* Euf. Hist. l. 9. c. 7. 8r. *bius* who relates this action, declares they were *Friends* and *Confederates*, till by this undertaking of *Maximinus*, they became his *Enemies*. 16. I

16. I confess some years after the Reign of *Constantine* was ended, there were among the Christians some *attempts* and enterprises undertaken, of another spirit and nature. By reason of the great opposition between the *Arians*, and the *Orthodox Christians*; there were in *Constantinople* and in other places, συνεχεῖς στάσεις, *frequent seditions* and tumults, as *Socrates* expresseth it; and these took place from about the year 340. Then among other things, *Hermogenes* the Emperours Commander, whom he sent to *Constantinople*, to dispossess *Paulus* from being Bishop there, was opposed with *force*, the House in which he was, being *fired* upon him, and himself *slain* in the year 342. Not long after this also, began the more open and contrived *rebellion of Magnentius*, and though this was undertaken out of ambition and *unchristian disloyalty*, yet he carried on his designs under a pretence for *Religion*. He first engaged against *Constans* the Emperour, who was slain by him, for which abominable Parricide, *Athanasius* inveighed greatly against him; and then managed a War against *Constantius*. And this according to *Baronius*, was the first time, that the Banner of the *Cross* appeared in the Field on both sides, one against another: and this was

Sect. 3.

This loyalty afterwards declined.

Socr. Hist. Eccl. l. 2. c. 12. gr.

Ibid. c. 13.

Baron. an. 350. n. 1, 2, 4.

Athan. Apol. ad Constant.

Baron. an. 353. n. 5.

B.2.C.4. indeed a *Rebellious Insurrection*, against a *Soveraign Prince*. But the true *primitive* and genuine spirit of Christianity, was wholly averse from and unacquainted with such proceedings: and when the Christian temper did in divers persons degenerate in this particular, such exorbitant and evil practises were always contrary to the *judgment* of the chief guides, and *Bishops of the Church*.

CHAP.

CHAP. V.

Of the extent *of the duty, and obligation of non-reſiſtance.*

SECT. I.

Reſiſtance by force is not only ſinful in particular private perſons, but alſo in the* whole body *of the people, and in ſubordinate and* inferiour Magiſtrates *and Governours.

1. THere have been ſome, who grant the *unlawfulneſs* of taking *Arms* againſt a Soveraign Prince, to be a general rule for ordinary circumſtances; but yet they pretend, there are ſome great and *extraordinary caſes*, in which it muſt admit of exceptions. And the propoſal of theſe Caſes, as they are by them managed, is like the *Phariſaical Corban*, an Engine and method to make void the duties of the *fifth Commandment*, concerning obedience, and *ſubmiſſion* to ſuperiours. Wherefore in this Chapter, I ſhall undertake the defence of that aſſertion of *Barclay*, who propoſeth the Queſtion, *Nulline caſus*, &c. *may there no Caſes fall out, in which the*

G. Barcl. cont. Monarchomach. l. 3. c. 16. p. 212.

B.2.C.5. *the people by their authority may take Armes againſt their King?* and his anſwer is, *Certainly none, ſo long as he is King, or unleſs, ipſo jure Rex eſſe deſinat.*

The whole Community have no Authority to take Armes againſt their Soveraign.

2. Now the firſt Queſtion and pretence, hath reſpect to the *whole body of the people.* Whether if the *whole* or *principal part* thereof, do account themſelves *injured*, and oppreſſed by their Soveraign, and judge it needful for their own *defence* and ſecurity, and the common good, to take *Armes*, and make uſe of force againſt him; this *authority* of the Community, be not a ſufficient Warrant for ſuch *reſiſtance.* This is aſſerted by the ſeditious Poſitions of *Mariana*, who not only gives a large allowance to *Common-wealths*, and the generality of the people to *deveſt* their Kings of their *Government*, and take away their lives; but he alſo grants the ſame liberty and power, to *any members* of the Common-wealth, if learned and grave men be *conſulted*, and where there is *Publica vox Populi*, *the common voice of the people* inclining that way. And this notion alſo though not in the ſame exorbitant degree, is embraced by *Bellarmine*, and many of the Jeſuits, and other men of diſloyal *Antimonarchical Spirits.* But becauſe what I have ſaid in the former

Marian. de Reg & Reg. Inſtitut. l. 1. c. 6.

Chapters,

Chapters, is both of ſufficient force, and clear enough for the refuting hereof, I ſhall only ſuperadd theſe brief conſiderations. Sect. 1.

3. Firſt, That the agreement of the *whole body of the people*, or the chief and greater part thereof, can give no ſufficient authority to ſuch an enterpriſe; becauſe the *whole community* are Subjects, as well as the *particular perſons* thereof. And with eſpecial reſpect to this Kingdom, I above obſerved, that our Laws declare it unlawful, for the *two Houſes* of Parliament though *jointly*, to take Armes againſt the *King*. The ſame hath been alſo acknowledged, by men of underſtanding in Foreign Countryes. As *Bodinus*, concerning *England*, and other places where the Kings have *jura majeſtatis*, concludeth, *ſingulis civibus nec univerſis fas eſt ſummi Principis vitam, famam aut fortunas in diſcrimen vocare; it is not lawful for the Subjects, either ſingly, or all of them together, to bring into danger the life, honour, or poſſeſſions of the Prince.* Secondly, this would open a gap to great *confuſions*, ſince the body of the people are apt to be impoſed upon, and to be led by their *paſſions*, as the experience of theſe latter Ages, as well as the Caſes of *Corah* and *Abſalom* do teſtify. And the ſame appears Bodin. de Repub. l. 2. c. 5.

B. 2. C. 5 pears from the *whole Congregation of Iſrael*, being forward to caſt off *Moſes*, and to make them *another Captain*. *Numb.* 14. 2, 4. Thirdly, This liberty may as reaſonably be given to a few *private perſons*, as to the whole people; becauſe in ſuch enterpriſes of the people, they are counſelled by, and are generally *influenced* and led, according to the motions of a few *private perſons*. Fourthly, The Laws of God againſt any evil actions, and conſequently againſt *reſiſtance*, do not become void, by any *great numbers* joining together, in practiſing what is contrary unto them. When the *primitive Chriſtians* were the chief part of the Roman Empire, they durſt not take up Armes againſt the *Emperour*, out of the fear of God, as hath been ſhewed. No ſin is to be eſteemed the leſs but the greater when a *multitude* ſhall be actors in it. If any violence be offered to a Father or Maſter, this is not the more allowable if all his Children or Servants join in the *Confederacy*. And when great multitudes engage in open *inſurrections*, the conſequents thereof may be much more dreadful, and calamitous to Mankind: whereas the embodying of *ſmall numbers*, are the leſs to be feared, becauſe the more eaſy to be *ſuppreſſed*.

4. The next pretence is, that *ſubordinate*

nate Governours being alſo Gods Officers, may defend the *properties* of the Subjects and the exerciſe of *true Religion*, even by taking Armes againſt their King. This hath been aſſerted by ſuch Writers as *Junius Brutus*, the *Anonymous* diſcourſe *de jure Magiſtratuum in ſubditos*, others in *England* in our late inteſtine Broils, and *Rutherford*, of Civil Policy. And *Sleidan* in his Commentaries reports, that the ſame was declared in the *Magdeburgh Confeſſion*. And for the ſupporting of this aſſertion it is urged, that all Governours even *ſubordinate* as well as ſupreme, are in the uſe of their power to ſerve God, and *do juſtice*, and defend the innocent, and do act by Gods Authority. As alſo, that if any perſon in *Eccleſiaſtical power*, how high ſoever he be, ſhall oppoſe the Chriſtian Doctrine, his *ſubordinate Clergy* lawfully may, and ought to withſtand him. And that ſaying of *Trajan*, mentioned by *Dion Caſſius*, is uſually noted to this purpoſe, who delivering the Sword to an *inferiour Commander*, bad him *uſe this* for him, if he ſhould *govern well*; but *againſt him*, if he *governed* or *commanded ill*.

Sect. 1.

Brut. Vind. qu. 2. p. 56. & qu. 3. p. 93. edit. 1589. De Jur. Mag Qu. 6. Ruth. Qu. 20. & 36. J. Sleid. Com. l. 22. an. 1550.

In Vit. Trajan.

5. But ſuch Poſitions would *undermine* the peace of the World, and lay Foundations for great *diſturbances*: and thereby

Subordinate Governours may not reſiſt the ſupreme.

B.2.C.5. the Commands of God would be broken, with the greater force and *violence*, if thoſe who are inveſted with ſome part of the *Kings Authority*, ſhould account themſelves thereby impowered, to make uſe thereof againſt him. And if this were admitted, the ſtate of Kingdoms muſt be in danger, whenſoever *inferiour Governours* ſhall be *impoſed* upon, by the ſubtilty of others, or *puffed* up by ambition. But this is as far from truth as from peace: though *Corah* had 250 *Princes* who joyned with him, and *Abſalom* was aſſiſted by the *Elders of Iſrael*, beſides *Ahitophel* the great Counſellour of State; this did not juſtifie their Treaſonable Conſpiracies. And though *David* was a great *Officer at Court*, *General* of the Army of *Iſrael*, and the *anointed Succeſſour* to the Crown, by Gods ſpecial appointment, and no *ſubordinate Ruler* in other Dominions, could have ſo much to plead for himſelf in this caſe, as *David* had; yet it was not lawful for him to *ſtretch out his hand againſt Saul*. And in the account of the *Thebean* Legion above mentioned, *Mauritius* was a great Officer and Commander of the *Roman* Army, and then in Arms at the head of his Legion, and yet according to the Primitive Chriſtian principles, profeſſed a deteſtation of making *reſiſtance*.

reſiſtance. And therefore this pretence is juſtly rejected, with ſome vehemency by *Grotius*, as being againſt Scripture, reaſon and the ſenſe of Antiquity. Sect. 1. De J. B. & P. l. 1. c. 4. n. 6. & de Imper. c.

6. Indeed all perſons in Authority are bound to do *juſtice*, but this muſt only be in their Sphere, and according to the proportion of their *power:* but they cannot be allowed to ſet themſelves over their Superiours, to *uſurp* upon their Authority, or to deny *Subjection* unto them. And with reſpect to their Soveraign, Officers both by *Charter and Commiſſion*, have their Authority depending upon him, and are as much his *Subjects* as other men are; and beſides the common bonds of Subjection, do all with us take the *Oath of Supremacy*, and *Allegiance*. Now as a Servant may not put himſelf into the place of a Ruler or Judge, over his Maſter, to force him to what he thinks equal; no more may an *inferiour ruler* do to his *Prince*. To this purpoſe it is obſerved by *Sleidan*, that the *Elector of Saxony*, who was then the chief perſon againſt the Emperour, in the *German* Wars, under *Charles* the fifth, did openly declare, that if *Charles* the fifth was owned to be *Cæſar*, or a proper *Soveraign*, with reſpect to thoſe great Princes of the Empire, it muſt then be granted, *cum eo belligerari non licere:* 3. Sleidan. Comment. l. 17. An. 1545.

that

B.2.C.5. *that it was not lawful to make War with him.* And whereas *subordinate Rulers* are to be ſubmitted unto, and reverenced, in the regular uſe of their Authority; yet if they ſhall *oppoſe* the Superiour Power, they are to be *deſerted* and the acting againſt them, in diſcharge of duty to the *Soveraign*, is no diſobedience. Thus S. *Auſtin, ipſos humanarum rerum gradus advertite*; *conſider the orders*, ſteps and degrees of *human affairs*. If the *Curator* command one thing, and the *Proconſul* another, muſt not the *greater power* be obeyed? and ſo alſo where the *Proconſul* commands one thing, and the *Emperour* the contrary. And St. *Peter* in commanding ſubmiſſion to inferiour Governours, makes uſe of theſe bounds of Subjection, *as unto them who are ſent by him, i. e.* the King.

Aug. de Verb. Dom. Serm. 6.

Diſparity between ſecular and Eccleſiaſtical Governours.

7. The objection from the comparing the caſe of *Eccleſiaſtical* and *Civil Rulers*, is of no weight, becauſe of the great diſparity that is between them. The *withſtanding* an *Heretical Biſhop*, who would impoſe corrupt Doctrines upon the Church, if this be certain and manifeſt, may lawfully be undertaken, not only by the *inferiour Clergy*, but by other *Chriſtians*: and herein they only do their *own buſineſs*, of keeping the *Faith*, holding to

to the truth, and rejecting what is contrary thereto. And S. *Cyprian* when *Baſilides* and *Martialis* Spaniſh Biſhops had cloſed with *Pagan Idolatry*, accounted that ordinary Chriſtians ought to *ſeparate* themſelves from ſuch guides. And though in our age, too many cauſeleſsly *reject communion* with thoſe Officers whom Chriſt hath ſet over them, which is a ſin of no low degree: yet it muſt be acknowledged, that there may be juſt cauſes for ſuch *withdrawing* from *Communion*, in obedience to the Chriſtian Doctrine. But it can never be lawful for *private Chriſtians*, to uſurp to themſelves *Epiſcopal power*, which would be unaccountable and Sacrilegious. And if a *Soveraign power* ſhould command any to embrace *Hereſie*, or reject the true Religion, or to become *unjuſt* to others; to refuſe ſuch evil practices, is their duty they owe to *God*, who is the *Supreme Governour*, and ſo far they act in their own Sphere: but if they take *Arms*, they then take to themſelves the power of *the publick Sword*, which is the Soveraigns right, and are thereby guilty of *invading* what is not their own. Beſides this, there is no *Eccleſiaſtical Officer* whoſoever, but his Authority is inferiour to the Authority of the *Univerſal Church*, of which he is a member; and this principally takes in the

Sect. 1. Cyp. Epiſt. 68.

Aug. ubi ſup.

3.2.C.5. the *Apoſtolical* and Primitive Church: and all Chriſtians are bound to hold to the *doctrine and unity* of this Church, againſt any Biſhop or Officer whomſoever, who departeth from it; whereas Soveraign *Princes* are ſubject to *God* alone, and not to any other upon earth. And therefore the compariſon would be more equal between a *ſecular Soveraign*, and the *Catholick Church*, as to the *Supremacy* of their Authority under God alone.

Of the words of Trajan.

8. The words of *Trajan*, which ſome have urged, ſeem to have been a *popular*, and ſomewhat *unadviſed* expreſſion, calculated for the obtaining the applauſe of the people; ſomewhat like that of *Marcus Antoninus* to the Senate, who ſaid to them, *we have ſo far nothing our own, that the very Houſe we dwell in is yours.* Or they may alſo be intimations of a ſtrong confidence, that he ſhould never himſelf decline to evil wayes, or put any of his Officers upon *unworthy actions.* But the *argument* from theſe words is weak and inconſiderable, and the determining the true ſenſe of them is not material, unleſs it could be proved, that this ſaying of *Trajan*, is that which all the World ought to *obſerve* as their *rule*, rather than the Principles of *equity*, the directions of *Scripture*, and the ſenſe of the *primitive Church.*

Xiphilin. ex Dion.

SECT.

SECT. II.

Some Caſes which have reſpect to the Prince *himſelf, reflected upon.*

1. Since ſome other Caſes have been diſcourſed on by learned men, I ſhall take ſuch notice of them as is needful, with particular reſpect to the Government of this Kingdom. Wherefore it will be needleſs for me to enquire into thoſe Caſes mentioned by *Grotius*, of the lawfulneſs of taking Armes againſt ſuch a Prince, who hath *no ſupreme power*, or who hath no juſt and warrantable *right* and *title*, or who receiveth his Government upon *expreſs condition*, that in ſome ſpecial circumſtances, it ſhall be lawful to make reſiſtance againſt him, or relinquiſh obedience to him. For ſuch Princes as theſe are ſuppoſed to be, have no compleat *ſoveraign right*, and the conſideration of ſuch things is of no concernment to our *Engliſh Government.* De J. B. & P. l. 1. c. 4. n. 8, 14, 15.

2. Another queſtion hath been propoſed concerning Princes, who voluntarily and freely *relinquiſh*, and lay aſide their *Crown* and Government. And there have been ſeveral inſtances of this nature, as in the Emperour *Charles* the Fifth, *Chriſtina* Ibid. n. 9.

of

B. 2. C. 5 Conc. Tolet. 12. *of Sweden* of late, *Bambas of Spain*, which is expreſſed in one of the Councils of *Toledo*; and in the ſpace of two hundred years, nine *Saxon Kings* have been obſerved to have done the like in *England*.

Fullers *ch. Hiſt.* l. 2. an. 718. And if ſuch perſons ſhould act againſt the ſetled Government of their reſpective Kingdomes, after they are fixed in the next *Heir*, in an hereditary Kingdom, or in *another King*, according to the conſtitution of elective Principalities, the reſiſting any of them, is not the taking Armes againſt the *King*, but againſt him who now is a *private perſon*.

Bard. cont. Monarchom. l. 3. c. 16. p. 213. 3. The Queſtion concerning a Prince, who ſhall undertake to *alienate* his Kingdome, or to give it up into the hands of another Soveraign Power, againſt the mind of his Subjects, hath been conſidered by *Barclay*, *Grotius*, and before them both was reflected on by Biſhop *Bilſon*. And I think them truly to aſſert, that ſuch an act of *alienation*, or of acknowledged ſubjection, eſpecially if obtained by *evil methods*, as was done in the caſe of King *John*, is null and void; and therefore can neither give any right of Soveraignty to another, nor diſpoſſeſs the Prince himſelf thereof, as was ſaid in the former Book. But if any ſuch Prince ſhall actually, and *forcibly undertake*, to bring his Subjects under

Grot. ubi ſup.

Biſſ. *of Chriſtian ſubject.* l. 3. p. 479. & 520.

under a *new ſupreme power*, who have no right thereto, and ſhall *deliver up* his Kingdome, to be thereby poſſeſſed, *Grotius* doubteth not, but he may be *reſiſted* in this undertaking; but then this reſolution muſt proceed upon this ground, that this action encludeth his *deveſting* himſelf of his Soveraignty, together with his *injurious proceeding* againſt thoſe, who were his Subjects. And *Barclay* who allows only *two caſes*, in which a Prince may be *deveſted* of his royal Dignity, doth account this to be one of them. But concerning this I think it chiefly neceſſary to adde, that a diſquiſition of this nature, hath much in it of the needleſs niceties of many diſputes of the School-men, wherein they contend about empty Notions, and exerciſe themſelves in ſpeculations, which are not like to be of concernment to Mankind. For mens ordinary duties do not depend on ſuch extraordinary, *unlikely*, and merely *imaginary ſuppoſitions*. And therefore this caſe might well enough have been omitted, were it not that ſome might account it a *defect*, to take no notice of what other men thought fit to propoſe; and poſſibly ſome may account ſuch things to be of more *weight*, than they really are.

Sect. 2.

Ibidem.

Barcl. ubi ſup.

4. The laſt caſe which I ſhall take notice

B.2.C.5. tice of, as mentioned by theſe and other Writers, is expreſſed in high words, which yet are of no great weight, when throughly examined; to wit, whether if a Soveraign Prince ſhould actually undertake to *deſtroy* his whole Kingdom, or any conſiderable part thereof, they may not in theſe circumſtances, have liberty of *defending* themſelves by taking *Armes*. This Queſtion is ſtarted and urged by *Junius Brutus*, and inſiſted on by other ſubverters of Soveraign Power; and is needful to be diſcourſed, becauſe here ſuch men take ſanctuary who would undermine the *duties of ſubmiſſion*. But good men ought to be cautious, even of admitting any ſuch *uncharitable ſuppoſitions* to enter into their hearts, concerning their own Rulers, whom *God* hath commanded them to *honour* and reverence: and much more ought they to be wary, that they do not account themſelves, to have ever the more liberty to evade *Gods Commands*, and their ordinary duty of ſubjection and *allegiance*, by the putting ſuch general and more than extraordinary caſes. Wherefore I ſhall firſt take notice of what is propoſed, concerning the *whole Dominions* of a Prince, or a whole Kingdom; and then concerning any *conſiderable part* thereof.

Vindic. cont. Tyr. Qu. 3. p. 184. &c.

It is not reaſonable to imagine a King to undertake to deſtroy his whole Kingdom.

5. The

5. The ſuggeſtion of a Soveraign Prince, out of mere will or paſſion, undertaking to *cut off*, or to ruine and deſtroy the *whole Body* of his *People*, are expreſſions which make a great *noiſe*, and have a terrible ſound and diſmal aſpect; but like a *Spectrum* though they may *affright*, they have little of *ſubſtance* under them. I acknowledge that this is the other only caſe in which *Barclay* eſteemeth a Soveraign Prince to forfeit his right of Government, and that thereupon it may be lawful to *reſiſt* him. And the comparing ſeveral places in that Book, will neceſſitate the interpreting thoſe expreſſions, to extend only to this caſe, which allow the people under the fierceſt and higheſt tyranny to *reſiſt*, provided they exceed not the bounds of mere *defence*, without any attempts of *invading* or *revenging*. But then withal he will not allow in this caſe or any other, the taking *Armes* againſt the *Soveraign Power*, but ſaith, a Prince by ſuch an undertaking as this, loſeth his *Royal Authority*, and is no *longer King*; *ſe omni dominatu & principatu exuit, atque ipſo jure, ſive ipſo facto, Rex eſſe deſinit, Cont. Monarchomachos l. 6. c. 23.* And *Grotius* alſo agreeing with *Barclay*, whom he here cites, granteth that the *People* may in

Sect. 2.

Adv. Monarch. l. 2. c. 15. p. 212.

l. 3. c. 3. p. 154. l. 5. c. 23. p. 503. & c. 24. p. 513.

B. 2. C. 5. De Jur. Bel. & P. l. 1. c. 4. n. 11.

such a case as this *resist* by force, *si Rex vere hostili animo in totius populi exitium feratur.* And he also proceedeth upon the like foundation, that this is not to resist a Soveraign King, but him who ceaseth to be such; *consistere simul non possunt voluntas imperandi, & voluntas perdendi: quare qui se hostem populi totius profitetur, eo ipso abdicat regnum.*

6. Now the design of these learned men, is thus far herein to be much approved, that they thought it necessary to take care, that whilst the Right and *Authority of Princes* was asserted, the safety of the people and the *common good* should still be provided for. Yet because I conceive these answers to leave things too loosely, and afford over-much occasion for unquiet spirits to lay hold on, I shall endeavour to speak a little more closely to this matter. Wherefore I assert, 1. That there is a great difference, between the discoursing of such things as mere *notional suppositions*, and the considering them as matters of *practice and reality.* In the former way there may be *suppositions* made, of things which actually *are not*, never were, nor are ever like to be; and there may also be supposed such *evidence* as is clear, and beyond all possibility of mistake, when

when there is no ſuch thing in reality. Sect. 2.
And only upon the yielding ſuch ſuppoſitions, I ſhall grant the anſwer given to be true. Thus the River *Thames* may be granted to be hurtful and *pernicious*, upon ſuppoſition that it ſhould overflow and drown the whole Kingdom: but though ſuch a thing may be *imagined* in ſpeculation, men of common underſtanding cannot much fear any ſuch *actual danger*. Now the taking *Armes* is not a notion but a matter of *fact*; and therefore the reaſon and ground of ſuch undertakeings, muſt be from things as they actually and really are in the World.

7. I aſſert Secondly, That if we conſider this as a Caſe of *practice*, which is that to which our *publick acknowledgments* alſo muſt be referred, this pretence is no ſufficient Plea for Subjects to *take Armes*; upon theſe two reaſons.

1. From the *unreaſonableneſs* of the thing ſuppoſed, and the great *unlikelyhood* of its ever being *true*. though it may be ſo *pretended*. For ſuch a thing probably never was actually in the World: and *Grotius* acknowledgeth, that this can ſcarce ſeem *poſſible to happen*, in a King who is *compos mentis* towards his whole Dominions. Indeed *Barclay* gives inſtance in *Nero*, whom *Aurelius Victor* relateth, to

Grot. ubi ſup.

Adv. Monarchomach. l. 3. c. 16.

B.2.C.5. to have talked of *deſtroying Rome* and the Senate, with *Fire* and *Sword*, and placeing his reſidence elſewhere: and much to the ſame purpoſe is declared concerning *Caligula*. Now though theſe were *Monſters of men*, and it may be hoped, that no *Princes* like to them, will ever live under Chriſtianity eſpecially: yet theſe expreſſions had not reſpect to the *whole Empire*, but only to *Rome*; and *furious ſpeeches* even of ſuch men, whoſe actions ſpake them ſavagely cruel, might probably vent much more, than would ever be enterpriſed and attempted. And it ſeemeth conſiderable, that S. *Pauls* Prohibition againſt *reſiſtance*, was written to the *Romans*, within a few years after the end of *Caligula* his Reign, and about the entrance of *Nero*, and therefore was a *firm rule* and binding obligation, even under their Government.

Sueton. in Calig. n. 30. & 49.

8. I know it is not *ſimply impoſſible*, that ſuch a Caſe ſhould be in *act*. If *Antiochus* had been really King of *Judea*, while he reſolved to *deſtroy* all perſons, of the whole Nation of the *Jews*, who obſerved the Law of *Moſes*, this had been a Caſe of ſomewhat like nature, and upon this Foundation *Barclay* alſo goes, to juſtify the Wars of the *Maccabees*, of which I have given another account. But though it

Ibid. l. 6. c. 24.

it be not *utterly impoſſible*, yet there is as much or more reaſon, for thoſe *Children* who *maintain* and ſupport their Parents by their *induſtry*, to fear that theſe Parents do deſign to poyſon them (becauſe there have been ſome unnatural and *Saturnine Parents*) than that Subjects ſhould fear any ſuch deſign of their Prince, againſt his whole Realm. And ſuch Children might with as much juſtice attempt the *murdering* of theſe Parents, upon ſuch ſuſpicions, which would be horrid and inhumane; as Subjects upon the mentioned pretence, take Armes againſt their *King*; both having equal appearance of ſelf-preſervation and being *defenſive*; and both being *impious* and oppoſite to Righteouſneſs and Chriſtianity. Sect. 2.

9. 2. The other reaſon is from the *dangerous effects*, and great miſchief, that hath been, and ſtill may be in the World, by proceeding upon ſuch pretences. For he who doth obſerve, that *Moſes* who was ſo great a deliverer of *Iſrael*, was charged by them in their murmurings, as one who intended to *ruine* and *deſtroy* them, and that this was done not only *once*, but *frequently*, *Ex.* 16. 3. *Ex.* 17. 3. *Numb.* 16. 13, 14. and that they ſpake to like purpoſe concerning *God* himſelf, *Num.* 14. 2. *Numb.* 21. 5. *Deut.* 1. 27.

B. 2. C 5. may diſcern, that upon ſmall or no occaſions the ſuſpicions of *diſcontented* Spirits, carried on by plauſible inſinuations, will eaſily pretend to *certain evidence* of the deſign of *ruining* the people, in the beſt Governours, to the neglect of their duty, and the diſturbance of *peace* and quiet. It is manifeſt both in our own and other Nations, that much *Chriſtian blood* hath been ſhed, by giving way to ſuch *falſe ſurmiſes* againſt truth and *Chriſtian Charity*. And it is to be expected that male-contented perſons, if they have any ill enterpriſes, will ſhell them over with the *faireſt pretences* they can take up, as a diſguiſe for themſelves, and a way to inveigle others. But as Biſhop *Taylor* aſſerting the unlawfulneſs of reſiſtance, well obſerved, *ſuch wild Caſes* as this, of a King endeavouring to *deſtroy his Kingdom*, are not to be *pretended, againſt that which Religion and natural reaſon hath eſtabliſhed.*

Duct. Dubit. B. 3. c. 3. *rule* 3. n. 15.

Of a Prince or Soveraign power undertaking to cut off a conſiderable number of Subjects.

10. But I come now to conſider the other part of this Queſtion, if a *Soveraign Power* undertake to *deſtroy* any great or *conſiderable part* of the people. Such things in ſome Caſes, have oft happened in the World: but herein the *Engliſh conſtitution* doth afford *peculiar advantages*, and ſecurities to the Subjects of this Realm, above what is in many other Soveraignties. But theſe

theſe Caſes may be beſt judged of, by ranking them in ſeveral Orders, and by obſerving particular inſtances of *fact*, which have happened under other different Governments. Sect. 2.

11. Wherefore 1. *Soveraign Powers* have ſometimes undertaken to deſtroy a *part of the people*, upon account of ſome great or *enormous crime* charged upon them, and by vertue of ſuch a *publick ſentence*, which may be called Judiciary and *legal proceedings*. Amongſt the *Iſraelites* when they had no King or Judge, the chief power was in the *heads of the Tribes*; in which time that horrid *wickedneſs* was committed by the men of *Gibeah*, upon the Levites Concubine, *Judg.* 19. But the *Benjamites* ſtanding in *defence* of theſe wicked men, that they might not ſuffer *deſerved juſtice*, the whole Congregation of *Iſrael* ſet themſelves againſt the Tribe of *Benjamin*, *Ch.* 20. And they bound themſelves by *Oath*, ſaith *Joſephus*, to act *more fiercely againſt them, than their Fathers had done againſt the Canaanites.* And when this *whole Tribe*, Men, Women and Children were *utterly deſtroyed*, except ſix hundred men, the ſame Author tells us, that both the *Iſraelites*, and theſe ſurviving *Benjamites*, acknowledged that this execution was *juſt*. And indeed thoſe *Benjamites*, who undertook the

where this is a proceeding according to the Laws and Rules of the Government, and upon great crimes.

Antiquit. Jud. l. 5. c. 2.

III.

B.2.C.5. *defence* of that hainous wicked action, did thereby entitle themſelves to the *guilt* Ambr. Ep. 65. ad Syagr. thereof: for S. *Ambroſe* rightly declares, *non minoris eſſe criminis tantum facinus defendiſſe, quam exercuiſſe; it is a matter of no leſs crime to defend ſo great a villany, than to commit it.* And about the ſame time, the Inhabitants of *Jabeſh Gilead* were *utterly deſtroyed* by the Congregation of *Iſrael*, except four hundred Virgins, becauſe they were ſo far Favourers of this wickedneſs of the *Gibeathites*, that they would not join with the reſt of the Iſraelites to *puniſh* it.

Oroſ. l. 7. c. 12. 12. The *Jews* alſo after their Commonwealth was deſtroyed, and themſelves diſperſed in many places of the Empire, roſe up in *rebellion* in the Reign of *Trajan* and alſo of *Adrian*, when they were headed by the pretended *Meſſiah* called *Bar-chocab*, or the Son of a Star, with reſpect to that Prophecy of the *Star of Jacob*, *Numb.* 24. 17. (though the Jews found ſufficient reaſon to call him *Barcozib*, the Son of a Lie) and proceeded with that fury, that they laid many places utterly waſt, both about *Egypt* and *Lilya*, and other Parts of *Africa* and *Cyprus*. And both the Jewiſh Chronicle *Tzemach David*, and other Hiſtorians, account two hundred thouſand, or a greater

Buxt. Lex. Rab. in Dio. cit. à Seldeno.

ter number, to have been then ſlain by them, about *Alexandria*, and the Parts of *Egypt*. To prevent the like ſad effects in *Judea* and *Meſopotamia*, where *Oroſius* relates them to have been in *Armes* alſo, in the time of *Trajan*, the Emperour determined the *deſtroying* all the Jews there, as a ſtop to the *Enthuſiaſtick Fury* of that people. And upon this account, great *multitudes* of the Jews were deſtroyed by him, and *Adrian* his ſucceſſour, in ſeveral Countries; eſpecially in and near *Judea*, in the Expedition of *Qu. Lucius*, aud the taking the City *Bitter*. What the Jews themſelves expreſs, concerning the vaſt numbers who were then deſtroyed, is indeed utterly incredible; but *Euſebius* mentioneth *infinite multitudes* cut off, and *Dion* ſpeaks of five hundred thouſand ſlain by the Sword. All which was the ſad effect of the *ſeditious outrages* of the Jewiſh Nation, when they might have otherwiſe enjoyed ſafety. Sect. 2. Euſ. Hiſt. Eccl. l. 4. c. 2, 6. Buxt. Lex. Rab. in בתר

13. To theſe I adde the inſtance of *Theſſalonica*, in the Reign of *Theodoſius* the Emperour. When there had been a great *tumultuous inſurrection* in that City, wherein ſome of the Magiſtrates were ſtoned to death; the Emperour highly incenſed at the hearing thereof, gave *ſentence* for the *deſtroying* the Inhabitants of Theod. Hiſt. l. 5. c. 17.

B.2.C.5. of that City, which was the *Chief City* Sozom. l. 7. c. 24. of that part of the Roman Empire, under the *Præfectus Illyriæ*. And accordingly ſeven thouſand men were ſlain, even the *innocent* with the guilty, all cut off together as *Corn by the Sickle*. For which Fact, proceeding from great unadviſed *paſſion*, the Emperour upon St. *Ambroſe*'s reproof, manifeſted great repentance.

14. Now the deſtroying *innocent perſons* can never be juſt, and the killing *Infants* among others, though allowed and ſometimes enjoined, under the *Moſaical Diſpenſation*, is certainly ſo contrary to the Spirit of *Chriſtian meekneſs*, that under the Goſpel it may *in no caſe* be defended. Yet foraſmuch as the *Soveraign Power* in *Judea*, and many other *Eaſtern Nations*, and alſo in the *Roman Empire*, as their Laws declare, had ſuch an authority that the particular Reſcripts and *Edicts* of the Emperours, were accounted *law*, and what they determined, was eſteemed a *legal deciſion* or ſentence, and a judicial way of proceeding: From theſe Conſiderations, I ſuppoſe it was not lawful for any of the perſons in the inſtances abovementioned, (though ſome of them were unjuſtly ſentenced) to have taken *Armes* in their own defence. But they were in this caſe to commit themſelves to him that

The Subjects under the Engliſh Government have great advantages above many others.

judgeth

judgeth righteouſly, as our Lord and Saviour hath left us an example to do. For if it were lawful for perſons *condemned* without juſt cauſe, to *reſiſt* by force the proceedings of a *judicial Sentence* pronounced by the greateſt authority, according to the Conſtitution of that Government, then were they not in *ſubjection* to that Government and Authority. And they who were guilty of *Capital Crimes*, were upon account of their *offences*, ſo much the more obliged to ſubmit themſelves and their lives, either to the *juſtice* or *mercy* of their Soveraign, and not to add to their former crimes a continued *reſiſting* juſt Authority. But the excellent Conſtitution of our *Engliſh Government* hath this advantage among others, that it gives ſufficient ſecurity to the *Engliſh Subjects*, that there is no way of judiciary and *legal proceeding*, by the King himſelf or any other, againſt the *life* or *property* of any perſon, who lives peaceably and orderly, but according to the eſtabliſhed *Laws of the Land*, and upon a fair tryal of his caſe: Nor will our Laws allow any ſuch general ſentence, which may take in innocent perſons. Sect. 2. Magn. Chart. c. 30.

15. And ſecondly, there have alſo been caſes in the World, where a *Soveraign Power* hath engaged, in the deſtroying a great

B.2.C.5. great part of their Subjects, who were guilty of no real Crime, either out of great *averſeneſs* to ſome good or lawful thing which they embrace, or out of *favour* and kindneſs to their Enemies; and yet where this is done according to the *publick laws* under which they live, it is unqueſtionably no ſufficient Plea to *take Armes*. Of this nature were the *Perſecutions*, and all the ſufferings of the Chriſtians, under the Pagan and Heretical *Emperours*, when the *Laws* of the Empire were againſt Chriſtianity, and the true profeſſion thereof. And from the Hiſtory of the Book of *Eſther*, it ſeemeth clear, that when at *Hamans* Requeſt, *Ahaſuerus* had granted, that all the Jews ſhould be deſtroyed, they had no reſolution of *defending* their lives by *Armes*, till they had liberty to that purpoſe granted by *Ahaſuerus*: And the obtaining this liberty, was part of the benefit they received by the interceſſion of *Eſther*, and the advice of *Mordecai*, *Eſth.* 8. 11. *Ch.* 9. 2. And though *Grotius* thinks that they might have done this, by the right of the *laws of nature*; yet the Conſtitution of the *Perſian Monarchy*, placing ſo large a power of life and death in their Kings (of which the hanging *Haman*, *Eſth.* 7. 9, 10. and the caſting *Daniels* Accuſers into the Lions Den,

Where the Laws of a Government condemn innocent perſons, who dye Martyrs, they may not take Armes.

Grot. in Eſth. 8. 11.

v. Dan. 6. 24.

Den, is ſufficient evidence) no *reſiſtance* could have been made, but againſt the authority of the *Laws* and *Government*, under which they lived. And there is ſo great an agreement between the condition of theſe *Jews* and of the *Primitive Chriſtians* under their perſecutions, that if the *laws of nature* would have allowed theſe *Jews* to reſiſt, it muſt alſo have been lawful for the *Chriſtians* to have done the ſame, which is contrary to their *general Profeſſion* and univerſal *practice*; or elſe it muſt be ſaid, that the Chriſtians were prohibited this, by ſuch a peculiar *Chriſtian-Law*, as is contrary to the *Law of Nature*, which would be a great ſlander and *calumny* upon our Religion. Sect. 2.

16. Upon this account the *Novatians* were to be blamed, who when the Souldiers of *Conſtantius* the *Arian* Emperour, were by his Command, ſent to *force* them to become Arians, they took *Armes* in defence of their Profeſſion of Religion; eſpecially becauſe the *ſecular laws* of the Empire concerning *Religion*, were directed by the particular *Edicts* of the Emperour, who was then a fierce Arian. And in ſuch caſes, though men were able againſt the *Laws* and Government to defend their *Bodies* by reſiſtance, they might better Socr. Hiſt. l. 2. c. 38. gr.

B.2.C.5. better defend their *Souls* and their *Religion*, by ſuffering as Chriſtians; otherwiſe the ſpirit of a *Jewiſh Zealot* (of whom there were great numbers in *Jewry*, among the *unbelieving Jews*, after our Saviours death) muſt be preferred before that of a *Chriſtian Martyr*. Yet where the *Laws* of any Realm condemn any perſons though undeſervedly, they may *flee*, or uſe any lawful means of *eſcape*, but not take *Armes* for their own defence. But with reſpect to ſuch proceedings as theſe, our *Engliſh Government* gives us this advantage, above what divers ancient and modern Nations had, that the true *Religion* is eſtabliſhed by our Laws, and that *no Law* can be repealed or *altered* to the prejudice of Engliſh Subjects, by the pleaſure of any *Prince* alone, and without the Conſent of the *Peers*, and the repreſentatives of the *Commons* of *England*.

The advantage of the Engliſh Laws.

For a Sovtraign Power againſt law and right to reſolve to ruine great numbers of Subjects, is ſo inhuman and unlikely, that it ought not to be ſuppoſed againſt our ordinary duty.

17. The only thing which in this caſe can farther be propoſed is, whether if a *ſupreme Governour* ſhould according to his own pleaſure, and contrary to the *eſtabliſhed Laws*, and his Subjects Property, actually engage upon the *deſtroying* and ruining a *conſiderable part of his People*, they might not defend themſelves by taking *Armes*? And it is to be heedfully

fully conſidered, that this Queſtion is much *notional* and ſpeculative, and is of ſmall concernment to *practice*, becauſe notwithſtanding *ſuſpicions* and jealouſies, which may be unreaſonably fomented, there hath never been in this Kingdome (or in moſt others, if not all) any ſuch *enterpriſe*, by the true *Soveraign Prince*, againſt peaceable and innocent Subjects, during our Hiſtories, for many hundred years. And it is hard to find any ſuch inſtance of a lawful *Prince* undertaking to ruine a great part of his People, againſt the plain declarations of the *eſtabliſhed Laws* of the Realm. Sect. 2.

18. Had *Antiochus Epiphanes* been the true Soveraign of the Jews, his attempting to *deſtroy* all thoſe who would obſerve Circumciſion, and the Worſhip of the true God, which the *Political Laws* in *Judea* eſtabliſhed by *God*, and *unrepealeable* by *Antiochus*, did enjoin them to perform; this had then been much to this purpoſe. But he was none of their lawful King, but an Enemy, and yet died under the diſmal laſhes of a tormenting Conſcience, for theſe and ſuch like wicked actions, as I above ſhewed. And when he invaded *Judea*, he was as a Lion bereaved of his Prey, being forced to return from his deſigned attempts upon *Egypt*,

Joſ. An. l. 12. c. 6. Liv. Dec. 5. l. 5.

B. 2. C. 5. Juſtin. l. 34. *Egypt*, by the reſolute denunciation of *Popilius* the Embaſſadour from *Rome*. The *Paris Maſſacre* was alſo of ſomewhat a like kind, with reſpect to the greateſt numbers who were therein murdered. For though I acknowledge the practice of ſome of them, being in *Armes* about that time, was not defenſible (and towards them this might poſſibly be intended as an Artifice and ſtratagem of War, or elſe perhaps it had never been) yet that ſo great numbers as about an hundred thouſand, ſhould in cold blood be cruelly *aſſaſſinated* and murdered, and moſt of them manifeſtly *innocent perſons*, without ever being *judicially accuſed*, Tryed, Convicted or Condemned by the *Law*, was ſuch a piece of barbarous ſavage *Cruelty*, as can ſcarce be paralleled, as ſome have noted, under *Mahometaniſm*.

19. But if ever any ſuch ſtrange Caſe as is propoſed, ſhould really happen in the World, I confeſs it would have its great difficulties. *Grotius* thinks that in this *utmoſt extremity*, the uſe of ſuch defence as a laſt refuge, *ultimo neceſſitatis præſidio*, is not to be condemned, provided the care of the common good be preſerved. And if this be true, it muſt be upon this ground, that ſuch attempts of ruining, do *ipſo facto* enclude a diſclaiming the

De J. B. & P. l. 1. c. 4. n. 7.

the governing thoſe perſons as *ſubjects*, and conſequently of being their Prince or *King*. And then the expreſſions of our publick *Declaration and acknowledgment* would ſtill be ſecured, that it is *not lawful upon any pretence whatſoever to take Armes againſt the King*. But Biſhop *Bilſon* ſpeaking of ſuch Popiſh Cruelties, as that I lately mentioned, ſaith, *they are able to ſet grave men and good men at their wits end; and make them juſtly doubt, ſince you refuſe the courſe of all divine and humane laws with them, whether by the law of nature they may not defend themſelves againſt ſuch barbarous Blood-ſuckers.* And then he adds, *Yet we ſtand not on that: if the laws of the land where they converſe, do not permit them to guard their lives, when they are aſſaulted with unjuſt force againſt Law, or if they take Armes as you do to depoſe Princes, we will never excuſe them from Rebellion.* Sect. 2. *Chriſtian ſubjection and Unchriſt. Rebel.* Part. 3. p. 519. edit. 1585.

20. But in truth the *Caſe* above-mentioned, ought not at all to be *ſuppoſed*, or taken into conſideration, either with reſpect to this publick *acknowledgment*, or any thing elſe. For there is greater hurt to be feared from the making ſuch *ſuppoſitions*, than from the *thing ſuppoſed*; ſince it is much more likely, that ſuch deſigns ſhould be imagined, and believed to be

B.2.C.5. *true*, when they are false (as they were in the unjust *outcryes* against our late Gracious Soveraign) than that they should be *certainly true*. And every good man, yea every reasonable man may have as great confidence, that no such case will really happen, as can be had concerning the future state and condition of any thing in this World. For though it should be supposed that some *Princes* may be tempted to think, that by such means they might carry on some present design which might please themselves, or some other persons who flatter them into it; yet this will appear to be against their *grand interest*. And the constant preservation of our Fundamental *legal rights* by our *Kings*, doth manifest that they well understood, how much *their interest* and their *subjects* were linked together: and withal the considering this, is of great use to *quiet* and satisfy the minds of *subjects*; and therefore I shall take some notice thereof.

The Princes main interest is to preserve the just Rights of his Subjects.

Sub. K: James 2. Nov: 4: 88.

1. As to Christianity and the other World.

21. First with respect to *Christianity*, and the interests of another World. For though Princes *bear not the Sword in vain*, but may and must use *severity*, where it is necessary, against evil doers; yet the Precepts of *Righteousness*, Meekness and Love, and the Laws of *Nature*, and of *Christianity*, do as much oblige the

the greateſt perſons upon Earth, as other men. And ſince they have a *righteous Lord* and Governour in Heaven, thereupon the dying words of *David*, ſpoken by divine inſpiration, are to them a neceſſary Rule, *He that ruleth over men muſt be juſt, ruling in the fear of God*, 2 *Sam.* 23. 3. And they are alſo as much concerned as others, in the *threatnings* againſt the diſobedience of theſe divine Precepts. And the Holy Scriptures ſpeak much, of the ſad eſtate of all perſons whomſoever, who practiſe *Oppreſſion*, Cruelty and Unmercifulneſs. And the future tortures in another World, of the greateſt perſons who were evil and *injurious* here, is alſo plainly expreſſed by *Plato*. Indeed Chriſtianity alloweth *repentance*; but that repentance which is available, in Caſes of *wrong and injury*, muſt enclude a neceſſary care of *reſtitution*, and reparation. Sect. 2. Plat. in Gorg. fin. & de Repub. l. 10.

22. Secondly with reſpect to their *honour* and *eſteem*. As a good name is uſeful to all men, ſo an high and *honourable reputation* of Princes, gains them that reverence and reſpect in the World, which is of great moment to themſelves, and their Kingdoms. But whileſt it is their honour to ſecure the welfare of their Subjects, the open *violating* their Rights will expoſe them to be accounted 2. *Their honour.*

B. 2. C 5. persons of no *Fidelity* and Integrity. And every man accounts his *own interest* to be maintained and upheld, in the establishing *Righteousness* and Justice, but when men calmly consider things, they account Injustice and *Oppression* to be injurious to the general state of Mankind. To this purpose any ordinary man who invaded what was anothers right, was accounted by *Philo* to be, κοινὸς πόλεως ἐχθρὸς, *a Common Enemy* of humane Society. What was it that made this Kingdom so uneasy and weary, under those who commanded it, before his *Majesties* Happy Restauration, but that the just *Rights* of his *Majesty*, and others, were then *prostrated*, and the *Laws* of the Realm, and the established *Religion* subverted? And the methods of *unrighteousness* are the more distastful to all men, because he who is unjust to one, if he have opportunity, and can propose to himself an advantage thereby, is like to be so to another.

Phil. de Decal.

3. *Their safety.*

23. Thirdly with respect to their *safety*. *Salomon* observed, *Prov.* 16. 12. that *the Throne is established by Righteousness*. And it must needs be so, because this with other acts of goodness, is the way to obtain the *blessing of God*, and also to engage the *good affections*, and *hearts* of the Subjects, which are the great security

ſecurity and defence of Princes. But where *unrighteouſneſs* hath manifeſtly prevailed, though not in the *higheſt degree*, to contrive utter deſtruction, it hath oft been of fatal conſequence. *Cicero* obſerved, that when in the Lacedemonian Government, *Rights* were frequently *invaded* againſt Juſtice, this occaſioned firſt the ruine of the *Governours*, and then of the *Common-wealth*, and brought great troubles alſo upon the neighbouring parts of *Greece*. And when the Cruelties, Extortions and Impiety of *Domitian*, made him to be feared and hated of all, his own *Friends* and Intimates, and his nearеſt *Relations*, who knew not how to think themſelves ſecure, were the perſons who contrived and effected his Death. Sect. 2. Cic. de Offic. l. 2. prope fin. Suet. in Domit. n. 10, 11, 14.

24. Fourthly, with reſpect to the *quiet peace* and ſerenity of their own minds. How much *inward perplexity* attendeth the greateſt men, who are moſt guilty of *Cruelty* and Oppreſſion, eſpecially when their Conſciences are awakened, by the ſenſe of any *approaching dangers*, is evident from the great terrour and fearfulneſs, which ſurprized *Caligula*, *Nero*, and others of the like ſpirit. To this purpoſe the account given by *Philip de Comines*, concerning *Ferdinand* and *Alphonſo*, Kings of *Naples* and *Sicily*, is very 4. *Their inward ſatisfaction.* Comin. l. 7. c. 2.

B.2.C.5. very remarkable. When *Ferdinand* through his Cruelty and Oppreſſion, was hated at home, and could by no means procure Peace with the French, his mere *grief* for his miſerable condition brake his heart, and ended his dayes. His Son *Alphonſo* who equalled at leaſt the miſcarriages of his Father, though he ſeemed before to be a man of an *high ſpirit*, and great Courage, was now perpetually poſſeſſed with ſuch amazement, that in the night in his ſleep he ordinarily cryed out of the *approach of his Enemies*, and thought that not only *men*, but even *Trees* and *Stones*, were the appearance of the French coming againſt him. In this his conſternation, he *reſigned his Kingdom*, fled from *Naples* into *Sicily*, and ſoon died. And though his Son *Ferdinand* was of a better temper, the Subjects being *diſguſted* by theſe former *Kings*, and not being hearty in his defence, he was *overcome* by his Enemies, loſt his Kingdom, and a little after left the World.

Aurel. Vict. in Caracalla.

25. Thus ſevere puniſhments (from the *diræ ultrices*, as *Aurelius Victor* noted, or rather) from the juſtice of the righteous *God*, oft attend and torment the greateſt Potentates. for their unrighteous actions, and therefore the *doing juſtice*, which God particularly enjoins, muſt needs be their

their *intereſt* as well as their *duty*. And as all theſe things I have mentioned are uſeful conſiderations againſt all *injuriouſneſs*, ſo are they of eſpecial weight againſt the *higheſt oppreſſion* and deſigns of *ruine*. And beſides what I have here diſcourſed, I alſo refer the Reader to what I have ſaid in a former Chapter, concerning the ſecurity which Subjects have of their *intereſt* and property, though they may not take Arms againſt their Soveraign. And theſe things may be ſufficient to quell, and ſuppreſs uncharitable and unreaſonable and *unchriſtian jealouſies*, and ſuſpicions, if they be impartially and calmly pondered. Sect. 2. Ch. 2. Sect. 2. n. 3, 4, &c.

6. Wherefore ſince our Religion enjoins us to *fear God, and honour the King*, let no evil imaginations be entertained to hinder this duty. For as we by the mercy of God, live under a Prince of great *Clemency* and Juſtice, ſo there is little cauſe to fear, that any *Soveraign* who ſtands ſo much concerned from the moſt *ſolemn obligations*, and his own *intereſt* every way, to maintain and preſerve the *Laws*, and the *good* of his people, ſhould ever endeavour againſt theſe eſtabliſhed Laws, to contrive the *ruine* of them: nor can there be any pretence that leſſer inconveniencies ſhould be a foundation for Warlike Inſurrections. And let every Chriſtian practiſe that Obedience

B.2.C.5. dience and *ſubmiſſion* to Superiours, which the Rules of *Equity*, the nature of *Civil Society*, and eſpecially the Laws of our *Chriſtian profeſſion* do require. But let that unruly and *turbulent ſpirit* be utterly rejected, unto which ungoverned paſſions provoke evil men. This was one part of the bad temper of the *Phariſees*, that they were βασιλεῦσι δυνάμενοι μάλιστα ἀντιτεάσσειν, *ſuch who had a ſpecial faculty of oppoſing* and going counter unto *Kings*: but no ſuch thing was in the Life or Doctrine of our *Saviour*, nor ought to be in any, who own themſelves to be his *Diſciples*.

Joſeph. Ant. l. 17. c. 3.

27. And now I ſhall conclude, with an humble and hearty Supplication to Almighty God, in which I entreat the Reader to join alſo. *That he would bleſs and preſerve our preſent Soveraign, and that he and his Succeſſors may alwayes Rule in Proſperity and Peace, and in a conſtant exerciſe of Piety, Juſtice and Mercy: That they may ever effectually maintain, and promote the true profeſſion and practice of Religion, and the welfare of the Church of God: That theſe Kingdoms may flouriſh, and be under the continual bleſſing of God, and his Protection and Care, and that the Inhabitants thereof may faithfully ſerve him: And that no Unchriſtian Jealouſies and Suſpicions, or any evil Seeds of Diſcord, may take Root amongſt us, and that our Holy Religion may never henceforth be evil ſpoken of, through any Unchriſtian practices of Rebellion, which are oppoſite to true Chriſtian Loyalty.* Amen.

FINIS.

XUM